

Chapter 18.78

RESIDENTIAL DEVELOPMENT CONTROL SYSTEM

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*Editor's note: Measure E provisions, formerly codified as §§ 18.78.010 through 18.78.170, have been repealed and replaced by Ord. 1010 N.S., codified in this chapter as §§ 18.78.010 through 18.78.175.

Article I. Initiative Provisions

Part 1. Findings and Purposes

18.78.010 Findings and purposes.

The people of the city of Morgan Hill, hereinafter called "the city," find and declare as follows:

A. 1. Rapid residential growth is a matter of continuing concern to the people of the city;

2. The burdens on city services and related problems associated with the city's explosive growth between 1975 and 1977 led to the adoption of Measure E by voters of the city in 1977. Measure E set a target population of thirty thousand for the year 2000, and established the residential development control system (RDCS), providing a method for evaluating proposed developments and issuing a limited number of development allotments each year;

3. Since passage of Measure E, however, the city's population growth rate has remained high and in the last five years has been the highest in Santa Clara County. It has been projected that Morgan Hill will reach its year 2000 population goal of thirty thousand well before the year 2000. In 1988, the city's population grew 6.25 percent, as compared with the county's overall rate of 1.29 percent. The next two fastest growing cities were Milpitas (3.34 percent) and Gilroy (2.97 percent). The city's high rate of development continued in 1989 and has shown no signs of diminishing. Morgan Hill has been, and continues to be, accommodating more than its fair share of regional growth.

B. Continuing rapid expansion over the last several years and expected future growth in the city threaten to overwhelm the city's ability to provide municipal services. For example:

1. The Morgan Hill Unified School District (MHUSD) has been forced to install temporary classrooms and facilities to handle increased school enrollment and has exceeded school site capacity;

2. The city's sewer capacity is near exhaustion with long lead times to provide for additional capacity;

3. In 1989, a combination of doubling the water rates and voluntary water conservation was necessary to achieve a reduction in water usage for the present city water users; again in March

1990, because of continued water shortages, the Santa Clara Valley Water District has recommended to the city that it reduce water consumption by twenty-five percent;

4. Greatly increased traffic within the city has caused congestion on city streets and at major intersections;

5. Demands on the city's police and fire protection forces continue to increase with the increasing population growth and expansion of the city's area.

C. Extensive exploitation by developers of exemptions from Measure E requirements has allowed continued high growth rates despite the Measure E controls. Of the nine hundred eight dwelling units scheduled to be built by fiscal year 1990/1991, nearly half (four hundred fifty-two) are exempt from the RDCS. The result has been a widespread impression among the voters of the city that the Measure E limits are not being observed. There is a need to tighten up the loopholes of Measure E.

D. The provision of Measure E requiring equal numbers of annual development allotments to the areas to the east and west of Monterey Road has led to development allotments being awarded to projects to the west of Monterey Road that scored lower than the scores of rejected applications for projects on the east side of Monterey Road. This provision should be modified.

E. As a matter of fairness and policy, residential development should pay for itself. Developers must be required to provide funds and improvements necessary to provide all needed services to their development projects.

F. Development outside the city boundaries, as well as within the city, adversely affects the city's level of services and quality of life. Proposed developments outside the city's urban service area, for example, would impose additional burdens on schools and city services, and add to traffic congestion in and around the city. In addition, this type of "leapfrog" development, on property not contiguous with existing developed land, contributes to urban sprawl, and can reduce the vitality of the city's urban center. Such leapfrog development should be discouraged, as it is an inefficient way to develop, and opposes greater burdens on the community than "in-fill" development with the city's existing urban service area.

G. 1. Within the city and its urban service area there are currently about two thousand acres of undeveloped, residentially developable land. This stockpile of land within the boundaries of the city and its urban service area will support twenty-five to thirty years worth of residential development, based on present growth projections. The indiscriminate continued expansion of the city and urban service area boundaries further imbalances the jobs to housing ratio (only one job per 1.6 houses currently), adversely affects the city's ability to maintain its level of services, can adversely affect the quality of life in the city, and is not necessary to meet the city's fair share of regional growth;

2. The people of Morgan Hill are therefor opposed to any further expansions of the city and its urban service area until such time as expansion is needed to support projected growth for the

next five years. This five-year horizon is consistent with the provisions of the Santa Clara County general plan, the South County joint area plan, and the Morgan Hill general plan;

3. The people of Morgan Hill recognize that under the Cortese-Knox Act, the Local Agency Formation Commission (LAFCo) makes final decisions regarding urban service area boundaries, and that the provisions of the Cortese-Knox Act are controlling. For the purposes of (a) mandating city policy in those instances in which the city has discretion under the Cortese-Knox Act, and (b) advising the LAFCo of the city's position in those contexts in which it is relevant to LAFCo's exercise of its discretion, the people go on record as opposing further expansion of the boundaries of the city and its urban service area, except as necessary to maintain an area sufficiently large to provide for five years' worth of future growth.

H. The unique character of the city depends on its rural surroundings. In order to maintain this rural atmosphere, provide a buffer against development and preserve a greenbelt legacy for future generations, the city must take steps to preserve open space and agricultural lands and public parklands in and around the city.

I. The report dated July 1988 prepared for the city by Economic Research Associates predicts the city will attain a population of thirty-eight thousand eight hundred by January 1, 2010. This projection is based on a 2.6 percent compounded annual growth rate from 1987 to 2010, a rate that exceeds the present and projected growth rate for Santa Clara County, and more than meets the city's fair share of regional housing needs.

J. Because city services such as water are finite and limited, and because development on the outskirts of the city causes the delivery of needed services to be more expensive and difficult, the rate of population growth of Morgan Hill should not be increased when lands are added to the city or its urban service area. (Ord. 1010 N.S. § 1, 1990)

Part 2. Residential Development Control

18.78.020 Development allotments—Required when.

For the years to and including fiscal year 2009/2010, no residential development shall be undertaken, and no discretionary permit or building permit shall be issued, in the city unless a development allotment has been obtained therefor in accordance with the provisions of the general plan and the residential development control system (RDCS) set out in Parts 2 and 3 of this article, except one-dwelling unit developments which are not part of a current, planned or potentially larger subdivision, and except secondary dwelling units ("granny units"). The residential development control provisions of Part 2 of this article shall apply to all types of residential development in the city, including single-family (which includes mobile homes) and multifamily housing. (Ord. 1010 N.S. § 2 (A), 1990)

18.78.030 Development allotments—Determination and distribution.

A. The population ceiling for the city as of January 1, 2010, is thirty-eight thousand eight hundred. This ceiling shall not be increased, regardless of whether additional lands are added to the city or its urban service area. The increased burden on city services imposed by development outside the present city limits adversely affects the city's ability to provide services to developments within the present city limits.

B. The number of residential development allotments for any fiscal year shall be limited to a number equal to the desired annual population increase for that fiscal year divided by the occupancy level per dwelling unit. For purposes of this determination, the annual desired population increase shall be equal to the difference between twenty-eight thousand eight hundred and the population of the city on January 1st of the previous fiscal year, divided by the number of years remaining between the previous fiscal year and fiscal year 2009/2010. The population of the city on January 1st of the previous fiscal year shall be equal to the most recent population determination by the California State Department of Finance. The occupancy level per dwelling unit, for purposes of calculation of annual allocations, shall be determined by the state's Department of Finance estimate for the city.

C. The number of development allotments shall be divided between conventional single-family dwellings, mobile homes and multiple-family dwellings in a manner determined each year by the city council; provided, that no less than thirty-three percent of all allotments shall be awarded to single-family dwelling units. The number of affordable/elderly dwelling units shall be assigned in a manner consistent with state law for the total number of allotments to be assigned for that year.

No less than one-third of the total annual allotments shall be awarded to developments to the east of Monterey Road and no less than one-third of the total annual allotments shall be awarded to developments to the west of Monterey Road, with the remainder distributed on the basis of points received and without regard to the east/west distribution. The city council may, if it chooses, further divide the allotments according to geography, price, development size, and similar criteria as deemed necessary to provide for the general welfare. (Ord. 1010 N.S. § 2 (B), 1990)

18.78.040 Development allotments—Applications and evaluations.

A. The annual development allotments shall be allocated to proposed developments in accordance with a residential development control system set out in Part 3 of this article. This system shall provide for awards of development allotments based on the number of points scored for all development proposals for each year. The point scale used shall take into account the impact of the proposed development on the following public facilities and services: schools, water supply system, sanitary sewer and treatment plant, drainage and runoff, fire and police protection, traffic and other municipal services.

B. Proposed developments shall be awarded points for provision of schools, related facilities, open space, orderly and contiguous development, public facilities, parks and trails, low-income and moderate-income housing and housing for the elderly, diversity of housing types, and for quality of architectural design and site design.

C. Small residential developments provide special benefits to the city by encouraging local developers, providing design variety, and promoting utilization of smaller lots. These developments do not impose as high a burden on municipal services as do larger projects, because their demands are incremental and they tend to be in-fill developments. Such small developments may be unable to compete with larger developments in terms of the levels of amenities provided. In order to treat small developments in a manner reflecting their benefits to the community, the residential development control system shall be designed to provide for small development through appropriate means selected by the city council, such as a separate small project competition and a more streamlined and less costly process.

D. In implementing the provisions of the residential development control system and making awards of development allocations, the city council shall comply with Government Code Sections 6600 et seq. (Ord. 1010 N.S. § 2 (C), 1990)

18.78.050 Emergency situations--Restrictions on development.

No residential development shall be permitted during a period of emergency or severe impaction of public facilities, as declared by the city council pursuant to provisions of this code. The declaration of an emergency or severe impaction situation may be based on determinations of emergency overcrowding of the schools, mandatory water rationing, sewage system operating at ninety-five percent capacity, or other endangerment to the public health, safety or welfare. The council shall, in implementing this provision, comply with the provisions of Government Code Section 65858. (Ord. 1010 N.S. § 2 (D), 1990)

18.78.060 Open space conversions.

A. No development allocations shall be awarded for a development proposal pursuant to this chapter and the RDCS unless the public benefits included in the proposal are secured in a permanent and enforceable manner. Lands that are designated for private or public open space, greenbelts, parks, paths, trails, or similar scenic and recreational uses in a residential development allotment application under Part 2 of this article shall, once the application is approved, be limited to the uses specified in the application, through the use of permanent dedications, easements or similar devices.

B. With respect to development allocations already awarded, wherever legally possible, no further building permits shall be granted for a project until such public benefits specified in the development application, particularly but not exclusively open space dedications, have been secured in a permanent and enforceable manner.

C. The lands within the city that are designated "open space" on the city's general plan land use/circulation elements map, as amended through March 1, 1990, are reaffirmed and readopted through fiscal year 2009/2010. This provision shall not prevent the city council from designating additional lands as open space. (Ord. 1010 N.S. § 2 (E), 1990)

18.78.070 Urban service area restrictions.

A. The city shall neither apply to LAFCo, nor otherwise request or support, the addition of any land to its urban service area, until such time as the city council finds that the amount of undeveloped, residentially developable land either to the east of Monterey Road or to the west of Monterey Road within the existing urban service area is insufficient to accommodate five years' worth of residential growth for the land on that side of Monterey Road. The projected rate of growth for purposes of this determination shall be the rate of growth provided for by the general plan and

the RDCA, set out in Parts 2 and 3 of this article. After making such a finding of space insufficiency, the city may support the addition to the urban service area of land only on the side of Monterey Road having the insufficiency, and only to the extent necessary to support five or fewer years of growth on that side of Monterey Road.

B. The city council may formulate standards by which it may make exceptions to subsection A of this section for desirable in-fill. "Desirable in-fill" means a tract of land not exceeding twenty acres and abutted on at least two sides by the city or abutted on one side by the city and having two other sides within a quarter-mile of a city boundary, as determined by a perpendicular line drawn from the side of the parcel to the city boundary, and whose inclusion into the urban service area would not unduly burden city services and would beneficially affect the general welfare of the citizens of the city. The standards set up for granting such exceptions must include criteria to prevent repetitively granting exceptions to the same applicant, development or parcel.

C. Part 2 provisions of this article are not intended, and shall not be applied, to restrict or constrain the discretion of the LAFCo, nor to prevent any action required by the Cortese-Knox Act or by any court judgment.

D. Because of the shortage of services and resources facing the city (e.g., water, sewer, schools, streets, fire and police protection), and in order to assure that such services and resources are not unduly burdened further, urban sprawl and noncontiguous development must be discouraged. Therefore, for any land added to the urban service area between March 1, 1990, and the effective date of the ordinance codified in this chapter and not considered in-fill as defined in subsection B of this section, the city shall not provide urban services to support any development at a higher density than is provided for in the Santa Clara County general plan as of March 1, 1990. (Ord. 1010 N.S. § 2 (F), 1990)

18.78.080 Urban services extensions.

The city shall grant no new extensions of urban services for residences beyond its urban service area except in the event that:

A. Morgan Hill has entered into a mutual aid or reciprocal emergency agreement for police, fire or other emergency services to be provided by city facilities on county land; or

B. An owner of an existing development requests an extension due to the failure of an existing septic system or well and the city council makes a finding that denial of services to that development would have a direct adverse impact on the public health and safety. (Ord. 1010 N.S. § 2 (G), 1990)

Part 3. Residential Development Control System

18.78.090 Application--Procedure and contents--Fees.

A. An application for a development allotment shall be made to the city planning department on a form provided by the city. Such application shall contain the following information and be accompanied by the following documents:

1. Site utilization map including:
 - a. Vicinity map to show the relationship of the proposed development to adjacent development, the surrounding area and the city,
 - b. Site use layout map showing the extent, location and type of proposed residential use or uses, the nature and extent of open space, and the nature and extent of any other uses proposed. The site use layout map is of major importance; the vicinity map may be shown as a small inset map;
2. Site development plan including lot layout to preliminary subdivision map standards; topography; lot sizes; street alignments showing coordination with city street system; existing and proposed buildings, trees, landscaped areas; open space; bicycle paths, equestrian trails or pathways;
3. Preliminary architectural plans including typical architectural elevations, types and numbers of dwelling units, proposed color of buildings;
4. Preliminary grading plans including a general indication of type, extent and timing of grading;
5. Preliminary landscape plans including general indications of planting;
6. Housing marketability and price distribution including expected ranges of rental amounts or sales prices, low-income and moderate-income housing to be provided, and applicability to housing assistance plan, if any;
7. Schools and other public facilities including needed schools, permanent or relocatable, or school impact mitigation measure to be provided. Other needed public facilities to be provided, if any, such as critical linkages in the major street system, or other vital public facilities;
8. Development schedule including proposed schedule of development including phasing;
9. Financial information including financial information sufficient to enable the city to determine if the project has a reasonable chance of being undertaken and completed if a development allotment is awarded;
10. Such other information as may be required by the planning director.

B. Each application shall be accompanied by a reasonable fee set by the city council based on the cost to the city of the processing of the application. Such fee is in addition to any other

fees such as rezoning fees, annexation fees, etc., and shall not be returned in the event that no development allotment is awarded.

C. An applicant may file only one application for any given property in any given year.

D. An application for a development allotment shall be filed with the community development department no later than November 1st of the fiscal year preceding the award of allotment. (Ord. 1022 N.S. § 1, 1991; Ord. 1010 N.S. § 3 (A), 1990)

18.78.100 Application--Evaluation by planning officer.

A. The planning officer (hereinafter referred to as PO) shall review each application and determine whether or not the proposed development conforms to the city's general plan. If the PO determines that a proposed development does not conform to the general plan, the application shall be rejected. The applicant shall be given a notice of such rejection within fifteen days after the submission of his application. Such notice shall be given by the PO by mailing a copy of the notice to the applicant at his address as shown in the application.

B. Within fifteen days after such notice is mailed, the applicant may appeal the decision of the PO to the city council by filing a written notice of appeal with the city clerk, who shall place the matter on the next agenda for a regular council meeting. The city council shall consider the appeal at such regular meeting, and shall either affirm the decision of the PO to reject the application on the basis of nonconformity with the plans, reverse the decision by finding that the proposed development is in conformity with the plans, or permit the applicant to modify his proposed development to bring it into conformity with the plans. The decision of the council shall be final and conclusive. (Ord. 1010 N.S. § 3 (B), 1990)

18.78.110 Evaluation procedures--Generally.

Proposed developments found by the PO or city council to conform to the general plan shall be evaluated by the PO and awarded points as set forth in Section 18.78.115. The planning commission shall establish a specific set of standards and criteria to direct the PO in assigning points under each category in Sections 18.78.115 and 18.78.120. The PO shall submit his evaluation to the planning commission and the commission shall approve, disapprove or modify the PO's evaluation by simple majority vote. (Ord. 1010 N.S. § 3 (C) (part), 1990)

18.78.115 Evaluation procedures--Impact on existing facilities--Point system.

A. Each proposed development shall be examined for its relations to and impact upon local public facilities and services.

B. The appropriate city department or outside public agencies shall provide recommendations to the PO and the PO shall rate each development by assigning from zero to two points for each of the following:

1. The capacity of the appropriate school to absorb the children expected to inhabit a proposed development without necessitating or adding to double sessions or other unusual scheduling or site or classroom overcrowding (written evaluation of the MHUSD);

2. The ability and capacity of the water system to provide for the needs of the proposed development without system extensions beyond those which the developer will consent to provide (comments of the city director of public works);

3. The ability and capacity of the sanitary sewer distribution and treatment plant facilities to dispose of the waste of the proposed development without system extensions beyond those which the developer will consent to provide (comments from the city director of public works);

4. The ability and capacity of the drainage facilities to adequately dispose of the surface runoff of the proposed development without system extensions beyond those which the developer will consent to provide (comments from the Santa Clara Valley Water District and the city director of public works);

5. The ability of the city fire department to provide fire protection according to the established response standards of the city without the necessity of establishing a new station or requiring addition of major equipment to an existing station, and the ability of the police department to provide adequate patrols for residential and traffic safety without the necessity of acquiring new equipment or personnel (comments from the fire and police departments);

6. The ability and capacity of major street linkage to provide for the needs of the proposed development without substantially altering the existing street system (the desired target traffic level of service being no worse than "C" level service as defined in the 1985 Transportation Research Board Report # 209), and the availability of other public facilities (such as parks, playgrounds, etc.) to meet the additional demands for vital public services without extension of services beyond those provided by the developer (comments from the appropriate department heads). (Ord. 1010 N.S. § 3 (C) (1), 1990)

18.78.120 Evaluation procedures--Design and amenity criteria.

On quality of design and extent of contribution to public welfare and amenities, the PO shall examine each proposed development and shall rate each development by the assignment of no more

than the maximum number of points allowable on each of the following:

- A. The provisions of needed schoolrooms in the form of permanent or relocatable buildings or the provision of other mitigating measures as attested by agreement with the MHUSD. A minimum of one-third of the points in this category shall be reserved for criteria such as the development's impact on existing bus routes, or classroom or site overcrowding 25 points;
- B. The provision of public and/or private usable open space and, where applicable, greenbelts 20 points;
- C. The extent to which the proposed development accomplishes an orderly and contiguous extension of existing development rather than leapfrog development, by using land contiguous to urban development within the city limits or near the central core and by the filling in on existing utility lines rather than extending utility collectors 20 points;
- D. The provision of needed public facilities such as critical linkages in the major street system, or other vital public facilities 10 points;
- E. Provision of parks, foot or bicycle paths, equestrian trails or pathways 10 points;
- F. The provision of units to meet the city's need for low-income and moderate-income and elderly housing and the extent to which such provision meets the goals of the housing element of the general plan including the distribution of housing types to provide neighborhoods of ethnic and economic diversity 15 points;
- G. The extent to which the proposed development itself consists of a diversity of housing types to meet the goals of the housing element of the general plan 15 points;
- H. Architectural design quality as indicated by the quality of construction and by the architectural elevations of the proposed buildings judged in terms of architectural styles, size and height 15 points;
- I. Site design quality as indicated by lot layout, orientation of the units on the lots, and similar site design considerations 15 points;
- J. Site and architectural design quality as indicated by the arrangement of the site for efficiency of circulation, on-site and off-site traffic safety and privacy 15 points;
- K. Site and architectural design quality as indicated by the amount of private safety and security provided in the design of the individual structures 5 points;
- L. Site and architectural design quality as indicated by the amount and character of landscaping and screening and color of buildings 10 points;
- M. Site design quality in adapting the development to the setting, including the preservation of vegetation, trees, natural terrain, and other natural and environmental features 15 points.

(Ord. 1010 N.S. § 3 (C) (2), 1990)

18.78.125 Award and issuance of allotments.

A. The PO shall notify each applicant of his evaluation under Sections 18.78.110 through 18.78.120. Such notice shall be given in writing within seven days after the evaluation has been approved by the planning commission by mailing a copy of such notice to the applicant at his address as shown in his application. At the same time, the PO shall notify in writing the MHUSD and all other city departments and public agencies which provided input for the evaluation under Sections 18.78.110 through 18.78.120 of the result of that evaluation.

B. Proposed developments which have not been assigned a minimum of nine points under Section 18.78.115 or a minimum of one hundred twenty-five points under Section 18.78.120 shall not be given a development allotment. Any applicant whose proposed development has not been given the required number of points may appeal the matter of allotment evaluation to the city council as provided in Section 18.78.130.

C. Subject to the limitations set forth in this subsection and subsection F of this section, proposed developments which have received a minimum of nine points under Section 18.78.115 and a minimum of one hundred twenty-five points under Section 18.78.120 may be awarded an allotment for the following fiscal year. Where the number of residential units in proposed developments which have received the required number of points for a development allotment (either by planning commission's determination or by city council's determination on appeal) exceed the numerical limits established by the city council by housing-type category, development allotments for which the council-established numerical limit has thus been exceeded shall be awarded on the basis of the number of points received under Section 18.78.120 starting with those proposed developments receiving the most evaluation points for the affected housing-type category and proceeding in order down the list until the numerical limit established by the council has been reached. Where allotments are made on the basis of comparative standing on the list, any applicant who has received the required minimum number of points, but who is not high enough on the list to receive a development allotment, may appeal the matter of allotment evaluation to the city council as provided in Section 18.78.130.

D. Allotments for the next fiscal year shall be issued by April 1st of the preceding year and shall be limited to those applicants whose evaluations under Sections 18.78.110 through 18.78.120 are completed at least thirty days prior to the date of the issuance of allotments and whose application or evaluation is not being appealed to city council either by the applicant or by any other interested party at the time the allotments are issued. Allotments shall be awarded for no more than two fiscal years in a single competition.

E. Any applicant whose development evaluation has been completed and where any appeals, if applicable, have been resolved and who does not receive an allotment for the fiscal year will not be considered automatically for the subsequent fiscal year, but must reapply under Section 18.78.090 for the next or subsequent fiscal year.

F. If an applicant desires approval of residential units in a single-residential development to be phased over more than one fiscal year, the applicant may apply to the city council for such approval. The city council may give such approval if it is demonstrated that the proposed project, if limited to one fiscal year, is not economically feasible because of the required off-site or other improvements required and other factors beyond the developer's control. The applicant shall be given the necessary additional allotments to complete the project in the next fiscal year; however, these additional allotments shall be considered a portion of the limited allotment for that next fiscal year.

G. To ensure that growth is orderly and not sporadic, dwelling units that are allocated for one fiscal year and not physically commenced according to an approved development schedule by the end of that fiscal year, shall lose their allocation and must reapply under the development allotment process outlined in Section 18.78.090 if development is still desired by the developer. An exception to the loss of allocation may be granted by the city council if the cause for the lack of commencement was the city's failure to grant a building permit for the project due to an emergency situation as defined in Section 18.78.140, or extended delays in environmental reviews, permit delays not the result of developer inaction, or allocation appeals processing. (Ord. 1010 N.S. § 3 (D), 1990)

18.78.130 Appeal procedures.

A. An applicant may appeal to the city council pursuant to subsections B or C of Section 18.78.125 by filing a written notice of appeal with the city clerk within ten days after the notice of evaluation has been mailed.

B. The MHUSD or other public agencies which provided input for the evaluation under Sections 18.78.110 through 18.78.120 may appeal to the city council the evaluation under Sections 18.78.115 and 18.78.120 within thirty days after notice has been mailed as described in Section 18.78.125 (A).

C. Any citizen or group of citizens may appeal to city council the evaluation of any applicant by filing with the city clerk a petition signed by one hundred registered voters of the city within thirty days after the notice of evaluation has been mailed to the applicant.

D. In the event an appeal is filed under subsections A, B or C of this section, the city clerk shall place the matter on the next agenda for a regular council meeting. The city council shall consider the appeal at such regular meeting at which time the council will hear the applicant or his representative and such other persons as may be able to assist the council in the determination of the matter on appeal. The council may affirm or modify the allotment evaluation and its decision shall be final and conclusive. (Ord. 1010 N.S. § 3 (E), 1990)

18.78.140 Emergency situations--When declared--Action and review by council.

A. An emergency or severe impaction situation shall be any one or more of the following:

1. A finding by the director of public works that the sewage facility usage level exceeds ninety-five percent of the capacity of the system;
2. Mandatory city water-rationing measures in effect;
3. Schools in MHUSD on "double sessions," or the MHUSD has declared that an emergency overcrowding exists. "Emergency overcrowding" may be declared for one or more schools, based on criteria established by the MHUSD, including, but not limited to, a specified percent of student enrollment beyond a determined capacity of the affected schools;
4. The MHUSD or other public agency providing services essential to the public health and safety notifies city council in writing or by resolution that its ability to meet the public needs is severely impacted;
5. Any other endangerment to public health, safety or welfare which the city council determines to exist for the purposes of Part 3 of this article.

B. If any of these specified conditions exist, then the city council shall certify an emergency or severe impaction situation.

C. In addition, any citizen or group of citizens may petition the city council for declaration of an imposition of an emergency or severe impaction situation by filing with the city clerk a petition signed by the greater of five hundred or four percent of the registered voters of the city. The city council, at their next regularly scheduled meeting, must then vote on a resolution of emergency or severe impaction situation. Certification and decertification of a petitioned emergency condition requires a minimum of three affirmative votes for passage.

D. In the event such an emergency or severe impaction is certified, no building permit and no allotment shall be issued unless the city council first specifically finds that the building permit or specific allotment allocation will not contribute additionally to the existing emergency or severe impaction situation, or that the building permit or specific allotment has adequately mitigated its additional impact.

E. The PO shall review all certified emergency or severe impaction situations at least quarterly, and shall determine whether conditions warrant continuation of the emergency or severe impaction. The PO shall report his findings to the city council, and notice of such findings shall be placed on the city council agenda and published in a newspaper of general circulation. If the city council finds, based on the PO's report, that the certified emergency or severe impaction situation no longer exists, it shall decertify the emergency.

F. In implementing Part 3 of this article, the city council shall comply with the provisions of Government Code Section 65858. Where those provisions conflict with this article, the state statute shall prevail. (Ord. 1010 § 3 (F), 1990)

18.78.150 Quarterly progress review--Failure to comply.

A. The planning officer shall review, on a quarterly basis, each proposed development which has received a development allotment to determine whether satisfactory progress is being made with the processing of the appropriate plans with the planning department.

B. Should a developer fail to comply with the development schedule submitted with his application or as agreed with the city staff and council, or should he fail to initiate the processing of the appropriate plans, or should the development deviate below the points awarded for its initial application, the PO shall report such failure or deviation to the city council which, after holding a hearing, may rescind all or part of the development allotment in favor of the next development on the list which has qualified for such allotment and which is capable of commencement in the fiscal year. (Ord. 1010 N.S. § 3 (G), 1990)

Part 4. General Provisions

18.78.155 Duration of provisions.

This article shall remain in effect until and including fiscal year 2009/2010. (Ord. 1010 N.S. § 5, 1990)

18.78.160 Compliance with state and federal laws.

The provisions of this article shall not apply to the extent, but only to the extent, that they would violate the Constitution or laws of the United States or the state of California. (Ord. 1010 N.S. § 6, 1990)

18.78.165 Severability.

A. If any provision or application of any provision of this article is held unconstitutional or violative of any state or federal law, the invalidation shall not affect the validity of any other provision or application of any provision. The voters of Morgan Hill declare that the provisions and applications of the provisions of this article are severable and would have been enacted as they were

even though any other provision or application or applications are held unconstitutional or otherwise violative of law.

B. It is the intent of the voters of Morgan Hill, by enactment of this article, to extend and expand the essential residential development control provisions and policies of Measure E. If this article is held invalid in its entirety, then the provision of Section 4 of the ordinance codified in this article repealing Measure E shall be inoperative, and Measure E shall remain in effect, as previously codified.

C. If any provision of Part 2 or 3 of this article is held invalid, the remainder of the ordinance codified in this article shall be given effect, and to the maximum extent feasible, shall be combined with the provision or provisions of Measure E that correspond to the invalidated provision. Thus, the repeal of Measure E, provided for in Section 4 of the ordinance codified in this article, shall be inoperative with respect to those provisions of Measure E corresponding to any invalidated provisions of the ordinance codified in this article. (Ord. 1010 N.S. § 7, 1990)

18.78.170 Unconstitutional taking of private property prohibited.

This article shall not operate to deprive any landowner of substantially all the market value of his property or otherwise constitute an unconstitutional taking without compensation. If application of the provisions of this article to a specific project would effect a taking, then pursuant to this article the city council may alter the provisions of this article, but only to the extent necessary to avoid such a taking. Any such adjustments shall be designed to carry out the goals and provisions of this article to the maximum extent feasible. (Ord. 1010 N.S. § 8, 1990)

18.78.175 Amendment or repeal.

This article, including the amendments to the general plan and municipal code, may be amended or repealed only by the voters of the city at a municipal election. (Ord. 1010 N.S. § 9, 1990)

Article II. Specific Policies

18.78.180 Background.

A. The residential development control system was adopted in response to the need to establish a growth rate in Morgan Hill that is conducive to orderly and controlled residential development. The success of any growth-management system depends upon how well it addresses and exemplifies the goals of the general plan, as well as other adopted city ordinances and documents. Any requirements made by this system shall use existing city plans and policies, as well as exploring innovative means to facilitate its implementation.

B. The residential development control system is a competitive qualifying process intended only to compare projects and allow the highest scoring projects to proceed on in the development process. Developers and city staff should not construe it as a design review or an absolute approval with any entitlement other than the right to file a tentative map or development plan. Changes to the project (1) are encouraged to improve its quality; and (2) may be required for formal project approval.

C. Concerns have been expressed about the Morgan Hill Unified School District (MHUSD) impaction situation and the fact that the rural character associated with the city is being lost to urban development that is outstripping the city's ability to provide adequate services and facilities. Also, a disproportionate amount of moderate to expensive single-family homes have been built, as opposed to a balance of housing types at prices to meet the needs of all the segments of the population, including those of low or fixed incomes. It is intended that a response to these concerns will be accomplished in a practicable manner through implementation of the residential development control system, which will concurrently address the preservation of open space and the natural environment. (Ord. 1034 N.S. § 1 (part), 1991)

18.78.182 Rate of growth.

The method by which controlled growth will be accomplished involves building approximately two hundred fifty* new dwelling units annually in order to reach a population not to exceed thirty-eight thousand eight hundred people by the year 2010.

* The number of building allotments authorized under the RDCS may be less than two hundred fifty units per year because of other housing which would be exempt from the RDCS (construction of single dwellings, etc.) (Ord. 1034 N.S. § 1 (part), 1991)

18.78.184 Procedures.

A. In May of each year preceding an allotment evaluation, the planning officer and planning commission will provide recommendations to the city council regarding the total number and distribution of building allotments. The city council will establish the total number of housing units to be awarded and the number of units to be allotted for each type of housing.

B. The planning officer will inform interested developers of the total number of units available and the various types of housing units that will be approved. The planning officer will hold a pre-competition meeting with all persons interested in submitting an application. The planning officer will explain the allotment process and distribute applications. At this meeting developers will be encouraged to indicate the proposed project location, the number of units, and the type of housing. This information will assist the city and developers in providing better competition for the various types of housing units to be built under the RDCS process.

C. In an attempt to further increase the quality of project design, a voluntary preliminary review process shall be implemented. This review process shall have staff priority in the months of June, July, and August whereby responses to these submittals shall be received within four weeks from the date of filing. These responses shall include, but not be limited to, the following: (1) Section A evaluation; (2) Section B evaluation, (3) any recommendations for project improvement; (4) any public health, safety and welfare issues; (5) any need for any additional information, plans or studies. (Ord. 1179 N.S. § 1, 1994; Ord. 1034 N.S. § 1 (part), 1991)

18.78.186 Overview.

A. The first section (Section 18.78.200) is concerned with the general ability of the city to provide major public facilities and services to new residential projects without creating additional impactation. This section is weighted heavily, meaning that a proposed project must obtain the minimum required points (nine points) and receive minimum passing scores under certain categories in order to proceed to the next step of the evaluation.

B. The next step, (Section 18.78.210) reflects the quality of the project design and the extent to which it contributes to the welfare of the community. The intent of these criteria is to encourage competition and to promote additional effort which creates innovative designs that satisfy user needs. The standards and criteria in Part 2 of this article are guidelines, and it is important to note that a developer is not precluded from improving upon or augmenting these guidelines, upon approval of the planning officer. Criteria for each category in Part 2 of this article are, therefore, more subjective and, thus, merely points out those items which the developer should consider to maximize his rating.

C. After successful completion of both Parts 1 and 2, the projects which have received at least nine points in Part 1 and have been given the most points in Part 2 (one hundred twenty-five points and over) with minimum passing scores in certain categories will then be eligible for allotments and subsequent building permits, subject to Section 18.78.120. Those that may not receive any allotment this year will have an opportunity to improve their designs and reapply during the next competition.

D. The procedure for allotting development allotments has been incorporated into this system. The development allotment evaluation encourages all developers to locate and design the best project possible by following standards and criteria for both Sections 18.78.200 and 18.78.210. (Ord. 1034 N.S. § 1 (part), 1991)

18.78.188 Additional information.

A. Project Size. Council priority is to give priority to partially completed projects. This policy will allow continuity to the allotment process. The portion of the uncompleted project competing in a competition should be equal to or superior in quality to the original project receiving an allocation. Project applications for over one hundred fifty units will be considered based on benefits to the community.

B. Public Notices. The council policy of notifying neighboring properties within three hundred feet of proposed projects is expanded to give a greater number of people notice by means of the utility bill inserts and notice on cable TV.

C. Review of Standards and Criteria. The planning commission shall review the standards and criteria each May, following an RDCS competition, to determine whether any changes or amendments are necessary for the next competition, to begin each new allotment year, within sixty days after the awarding of allotments. (Ord. 1034 N.S. § 1 (part), 1991)

18.78.190 Evaluation--Standards and criteria.

A. As provided for in Section 18.78.100 A, the planning officer shall review each application and determine whether or not the proposed development conforms to the City's General Plan. In addition, the planning officer shall review each application for conformance with the following: City street, parking and site development standards as set forth in Chapter 17.34 and Title 18 of the Morgan Hill Municipal Code. If the PO determines that a proposed development does not conform to the city codes as cited above, the application shall be rejected. Notice of such rejection shall be given pursuant to Section 18.78.100 A.

B. Within fifteen days after such notice is mailed, the applicant may appeal the decision of the PO to the city council as provided in Section 18.78.100 B. In considering an appeal the city council shall either affirm the decision of the PO to reject the application on the basis of nonconformity with the plans (General Plan and City Codes), or reverse the decision by finding that the proposed development is in conformity with the plans, or permit the applicant to modify his proposed development to bring it into conformity with the plans.

C. Proposed developments found by the PO or city council to conform to the General Plan shall be evaluated by the PO and awarded points as hereinafter set forth. The planning commission shall establish a specific set of standards and criteria to direct the PO in assigning points under each category in Parts 1 and 2 of this article. The PO shall submit his evaluation to the planning commission and the commission shall approve, disapprove or modify the PO's evaluation by simple majority vote. (Ord. 1179 N.S. § 2, 1994; Ord. 1034 N.S. § 1 (part), 1991)

Part 1. Point System

18.78.200 Rating system for proposed developments.

Each proposed development shall be examined for its relation to and impact upon local public facilities and services. The appropriate city department or outside public agencies shall provide recommendations to the PO, and the PO shall rate each development by assigning from zero to two points for each of the following:

A. 1. "The capacity of the appropriate school to absorb the children expected to inhabit a proposed development without necessitating or adding to double sessions or other unusual scheduling or classroom overcrowding." (Written evaluation of the MHUSD.)

2. Each subdivision application shall be reviewed by the MHUSD for determination of impact on school classrooms and facilities. The MHUSD shall determine the potential number of children per household according to the district-wide average.

2 Points. Double sessions or unusual scheduling or classroom overcrowding do not exist, nor will the proposed subdivision create double sessions or unusual scheduling or classroom overcrowding.

1 or 1.5 Points. Double sessions or unusual scheduling or classroom overcrowding exist prior to the subdivision application, and mitigation measures result in fewer students on double session or unusual scheduling or classroom overcrowding.

0 Points. The proposed subdivision would create double sessions or unusual scheduling or classroom overcrowding. Double sessions or unusual scheduling or classroom overcrowding exist prior to the subdivision application, and mitigation would result in the same or a greater number of students on double sessions or unusual scheduling or classroom overcrowding (or in any way fails to meet the standards for one or two points). (Ord. 1034 N.S. § 1 (part), 1991)

B. 1. The ability and capacity of the water system to provide for the needs of the proposed development without system extensions beyond those which the developer will consent to provide." (Comments of the director of public works.)

2. Each subdivision application shall be reviewed by the director of public works for determination of the ability and capacity of the water system to provide for the needs of the proposed development.

2 Points. The existing water system and improvements that upgrade water service and fire protection in the general neighborhood such as gridding, well, or booster pump, are provided as determined by the director of public works.

1 or 1.5 Points. The existing water system has adequate capacity to serve the development and improvements would tie into existing water mains without gridding or otherwise providing upgrades to the existing water system.

0 Points. The existing water system and improvements necessary for water service or fire protection will tax the existing system beyond the city's ability to provide adequate service.

C. 1. "The ability and capacity of the sanitary sewer distribution and treatment plant facilities to dispose of the waste of the proposed development without system extensions beyond those which the developer will consent to provide." (Comments from the director of public works.)

2. Each subdivision application shall be reviewed by the director of public works for determination of the ability and capacity of the sanitary sewer distribution and treatment plant facilities to dispose of the waste generated by the proposed development.

2 Points. Existing sewer lines and treatment plant have sufficient capacity to serve the project.

1 or 1.5 Points. Extension of existing sewer lines directly from the project, and the sanitary waste generated by the project which taxes the existing line capacity is mitigated as determined by the director of public works, and there is sufficient capacity in the treatment plant.

0 Points. The proposed development would adversely impact the existing line capacity or treatment plant, or the existing line capacity is insufficient to handle the waste generated by the proposed project (or in any way fails to meet the standards for one or two points).

D. 1. "The ability and capacity of the drainage facilities to adequately dispose of the surface runoff of the proposed development without system extensions beyond those which the developer will consent to provide." (Comments from the Santa Clara Valley Water District and the director of public works.)

2. Each subdivision application shall be reviewed by the director of public works and Santa Clara Valley Water District for determination of the ability and capacity of the drainage facilities to adequately dispose of the surface runoff of the proposed development.

2 Points. Local drainage generated by the project is capable of draining into existing storm drainage facility, or permanent public improvements to carry the runoff into a receiving drainage way which has sufficient capacity is provided.

1 or 1.5 Points. Local drainage generated by the project is mitigated by use of private on-site detention with higher value given for permanence, quality and guaranteed maintenance.

0 Points. Local drainage generated by the project is not capable of draining into the existing permanent storm drainage facility (or in any way fails to meet the standard two points).

E. 1. "The ability of the fire department of the city, or other agency pursuant to a contract or mutual aid agreement, to provide fire protection according to the established response standards of the city without the necessity of establishing a new station or requiring addition of major equipment or personnel to an existing station, and the ability of the police department to provide adequate patrols for residential and traffic safety without the necessity of acquiring new equipment or personnel." (Comments from the fire and police departments.) (Ord. 1034 N.S. § 1 (part), 1991)

2. Each subdivision application shall be reviewed by the fire and police departments for the determination of the ability of the fire department to provide fire protection according to the

established response standards and the ability of the police department to provide adequate patrols for residential and traffic safety. Proposed developments must be assigned a minimum of one point in this category to qualify under Part 1 of the evaluation.

1.5 Points. Fire protection response times are within the established response standards of the city from at least two fire stations.

1 Point. Fire protection response times are within the established response standards of the city from at least one fire station and no more than 15% in excess of the response time standard from a second station.

.5 Points. Fire protection response times are within the established response standards of the city from at least one fire station.

0 Points. The project cannot be served by the existing fire personnel without requiring additional stations, equipment or personnel (or in any way fails to meet the standard for a .5 point total above)

.5 Points. The project adjoins existing developed land with proper road access for maximum efficiency of police patrols.

NOTE: For scoring purposes, the city Fire Department or contract agency, shall publish on July 1 of each competition year, a map showing the area which can be serviced within the established fire response time standard from the California Division of Forestry facility located on Monterey Road at Watsonville Road.

F. 1. "The ability and capacity of major street linkage to provide for the needs of the proposed development without substantially altering the existing street system (the desired target traffic level being no worse than "C" level service as defined in the 1985 Transportation Research Board Report # 209), and the availability of other public facilities (such as parks, playgrounds, etc.) to meet the additional demands for vital public services without extension of services beyond those provided by the developer." (Comments from the appropriate department heads.)

2. Each subdivision application shall be reviewed by the director of public works and parks and recreation director for determination of the ability and capability of major street linkage to provide for needs of proposed development and of the availability of other public facilities, such as parks and playgrounds, to meet the additional demands. Proposed developments must be assigned a minimum of one point in this category to qualify under Part 1 of the evaluation.

2 Points. The project can be served by the existing parks and street systems, and the completion of the project will not overload any local, collector or arterial street in the immediate area.

1 or 1.5 Points. The project can be served by the existing parks and street systems as defined above, and if there are public off-site improvements, they are relatively minor and the project will not contribute to the need for major street improvements.

0 Points. Compliance to Chapter 17.28 of this code. The project cannot be served by the existing street system, and will contribute to the need for major off-site public improvements (or in any way fails to meet the standard for one or two points).

NOTE: Development may be evaluated on an individual basis on its ability to provide private recreational service for its residents that complement city services, i.e., trails, private open space, association facilities, etc. All proposed trails, private open space and associated facilities should be permanently secured with appropriate documentation at the time of development. (i.e., deeds, easements, C.C.& Rs., dedication, homeowners associations, etc.). Land that is set aside for the above mentioned items as a nonpermanent use, could dedicate all future development rights to the city. This procedure is to allow neighborhood control over land that may not be needed in the future (i.e., storm water retention areas). (Ord 1323 N.S. §§ 36 and 37, 1997; Ord. 1228 N.S. § 1, 1995; Ord. 1179 N.S. §§ 3 & 4, 1994; Ord. 1034 N.S. § 1 (part), 1991)

Part 2. Specific Standards and Criteria

18.78.210 Schools.

A. Point Range and Policies.

21	--	25	High quality
16	--	20	Above average
11	--	15	Average
6	--	10	Below average
0	--	5	Poor quality

1. "The provision of needed schoolrooms in the form of permanent or relocatable buildings or the provision of other mitigating measures as attested by agreement with the Morgan Hill Unified School District (MHUSD).

..... **(25 points)"**

B. Standard and Criteria:

1. **Seventeen points** will be awarded for the payment of the district-adopted developer fees as provided by the Leroy F. Greene School Facilities Act of 1998. Full market value credit will be applied to a direct payment to the School District, for donated land, construction, or other services provided by a developer or project property owner that relate to provision of school facilities.

2. Up to **four additional points** may be awarded to a project where:

a. A safe walking route exists between the project site and existing or planned MHUSD schools. A safe route is defined as providing continuous sidewalks and/or paved pedestrian pathways, cross walks and caution signals at designated street intersections between the project and a school site.

i. The project is within 3/4 of a mile of a school serving grades K through 3 where students are not required to cross railroad tracks, arterial or collector streets. **(one point)**

ii. The project is within 3/4 of a mile of a school serving grades 4 through 6 where students are not required to cross railroad tracks or arterial streets. **(one point)**

iii. The project is within 1.5 miles of a middle/intermediate school where students are not required to cross railroad tracks or arterial streets unless the most direct street crossing can occur at a signalized intersection. **(one point)**

iv. The project is within 1.5 miles of a high school. **(one point)**

b. Proposed development will be for senior citizens as defined in Section 51.2 of the State Civil Code. **(four points)**

NOTE: For scoring purposes, the anticipated attendance area for an existing or planned school shall be as determined by the Board of Education and published by the School District as of December 1 of the fiscal year for each competition year. A planned school is defined as a site designated by the School Board for a future school prior to December 1st of the fiscal year the competition is held. Scoring for a multi year/phased development includes recognition of all pedestrian safety or traffic improvements provided in the initial or previous phases of the development.

3. Up to **four additional points** may be awarded to a project which:
 - a. Provides off-site pedestrian safety improvements near a MHUSD school located within 3/4 of a mile (straight line distance) of a project site. **(one point)**
 - b. Provides pedestrian or traffic safety improvements, including sidewalk or pathways, cross walks and/or caution signals within MH's SOI and near a MHUSD high school, or near an existing elementary or middle school within 1.5 miles (straight line distance) of a project site. Project must be within the enrollment area of the high school. **(up to two points)**
 - c. The project is located within a Community Facilities (Mello-Roos) District established by the Morgan Hill Unified School District to finance new school facilities. The proposed project phase(s) will only receive points in this category if their Mello Roos payment exceeds by \$1000 or more per dwelling unit the Leroy F. Green Schools Facilities Act (state-mandated) fees in effect on December 1st of the fiscal year of the competition. One point will be awarded for each \$1000 per dwelling unit the proposed project's average dwelling unit school fees costs exceeds the state-mandated per dwelling unit fees. **(up to three points)**

NOTE: Full market value credit will be applied to a direct payment to the School District, for donated land, construction, or other services provided by a developer or project property owner that relate to provision of school facilities. (Ord. 1517 N.S. § 1, 2001; Ord. 1486 N.S. §§ 1 & 2, 2000; Ord. 1404 N.S. § 1, 1998; Ord. 1346 N.S. § 1, 1997; Ord. 1304 N.S. §§ 1 & 2, 1996; Ord. 1228 N.S. § 2, 1995; Ord. 1179 N.S. §§ 5 & 6, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.220 Open space.

A. Point Range and Policies.

18	--	20	High quality
14	--	17	Above average
10	--	13	Average
5	--	9	Below average
0	--	4	Poor quality

1. "The provisions of public and/or private usable open space, and where applicable, greenbelts.

..... **(20 points)"**

2. The provisions of open space is desirable for the physical and mental well-being of the city residents, as well as preserving a rural atmosphere and invoking a positive reaction to the environment. These open spaces can then be used for both passive and active recreation for all age groups, while also preserving the environment for present and future generations to enjoy.

B. Standards and Criteria.

1. Open space areas are provided or maintained within the proposed development.

a. Provides open space buffer areas adjacent to freeway or arterial streets, measuring five feet in depth in excess of the zoning code requirements for **one point**, 10 feet in excess of the code for **two points**. **(up to two points)**;

b. Public or private common useable open space is encouraged where neighborhood homeowners associations or other acceptable private maintenance entity can be used to coordinate their use and maintenance **(three points)**;

c. Provides convenient access to public or private parks internal to the project where appropriate through the use of bicycle and pedestrian pathways. **(one point)**;

d. Provides accessibility to existing or proposed public parks and open space areas outside the project boundary and encourages multiple uses and fee dedication of open space areas adjacent to flood control right of ways and recharge facilities. Points will only be awarded where the relevant public agency has provided written approval to allow access between the project and the aforementioned facilities **(one point)**; **Note:** Requires public agency ownership or agreement to accept dedication of the land by the public agency.

e. Historical sites and landmarks on or adjacent to the project site are maintained in as natural state as possible with limited supportive development such as parking facilities, fencing, signing, etc. **(two points)**

2. Provides a high ratio of total open space area. (**A maximum of eleven points will be assigned under this criteria**)

<u>Building Coverage (%)</u>	<u>Points</u>
45 - < 50	3
40 - < 45	4
35 - < 40	5
30 - < 35	6
25 - < 30	7
20 - < 25	8
15 - < 20	9
10 - < 15	10
0 - < 10	11

Building coverage is defined as that portion of the overall project master plan, exclusive of driveways and streets, which is covered by a building, parking lot or carport.

3. a. The project will receive **three points** for a commitment to purchase transferable development credits (TDCs) from property owners with land of greater than twenty percent slope. (Based upon the cumulative project to date ratio of one TDC for every twenty-five dwelling units proposed.) OR

b. Projects of 24 units or less which do not provide a common area park or open space will receive **six points** for a commitment to purchase double TDC's. OR

c. Projects zoned R-2, R-3, or similar or higher density classification will receive **six points** for a commitment to purchase double TDC's.

NOTE: In lieu of the TDC commitment, projects of 24 units or less and affordable project developments will be awarded **four points** for payment of an open space fee at the rate of \$15,000 per TDC. Eligible projects that elect to pay double the open space fee will be awarded **six points**. The amount of the open space fee shall be based on the average cost per dwelling unit for an equivalent TDC commitment as specified above. The open space fee shall be adjusted annually in accordance with the annual percentage increase or decrease in the median price of a single-family detached home in Santa Clara County. The base year from which the annual percentage change is determined shall be January 1, 1996. The base year may be adjusted by City Council Resolution prior to the filing deadline for each competition year.(Ord. 1517 N.S. §§ 2 & 3, 2001; Ord. 1486 N.S. §§ 3 & 4, 2000; Ord. 1438 N.S. § 1, 1999; Ord. 1404 N.S. § 2, 1998; Ord. 1346 N.S. § 2, 1997; Ord. 1228 N.S. § 3, 1995; Ord. 1179 N.S. § 7, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.230 Orderly and contiguous development.

A. Point Range and Policies.

18	--	20	High quality
14	--	17	Above average
10	--	13	Average
5	--	9	Below average
0	--	4	Poor quality

1. "The extent to which the proposed development accomplishes the orderly and continuous extension of existing development rather than "leapfrog" development, by using land contiguous to urban development within the city limits or near the central core and by the filling in on existing utility lines rather than extending utility collectors.

..... (20 points)"

2. A well planned community is one which provides for the needs of its residents. Convenience, economy, and service are aspects which an orderly and contiguous development pattern can help facilitate.

B. Standards and Criteria.

1. Develops lands near the central core of the city as defined by the planning officer (PO) at least every two years. There is a benefit for development to be within the central core area. However, it is recognized that the city does not have a well defined central core. Therefore, greater emphasis is to be given to contiguous patterns of growth. Projects within the core area will receive eight points. Projects located outside the core area will receive from *zero* to seven points depending on their relationship to the core area as shown below:

- a. Within central core, eight points,
- b. Within eight hundred feet of the central core area, seven points;
- c. Within one thousand six hundred feet of the central core area, six points;
- d. Within two thousand four hundred feet of the central core area, five points;
- e. Within three thousand two hundred feet of the central core area, four points;
- f. Within four thousand feet of the central core area, three points;
- g. Within four thousand eight hundred feet of the central core area, two points;
- h. Within five thousand six hundred feet of the central core area, one point;
- i. More than five thousand six hundred feet from central core area, zero points.

Note: If any portion of a project is within the central core, as defined by the PO, that project shall be considered within the central core area. The distance from the central core shall be measured using the minimum distance between any portion of a parcel and the central core boundary measured in a straight line.

2. Fills in existing utility lines (requires no off-site extensions) and provides a contiguous pattern of growth. If water is available at the site and the water main is of sufficient capacity and supply to serve the proposed project and future development, the project will receive **one point**. If sewer is available to the site and the sewer main has sufficient capacity to serve the proposed project and future development, the project will receive **two points**. If storm drains are of sufficient capacity to serve the project and are available to the site, the project will receive **one point**. If the project is located within the established response time standard of one fire station, the project will receive **one point**. If the project is located within the established response time standard of two or more fire stations, the project will receive **one additional point**.

3. A proposed development located within the existing urban service area which provides for orderly growth and urban in-fill is preferable and helps prevent premature urbanization of agricultural land. Projects that provide for orderly growth patterns throughout residential neighborhoods and compatibility with adjacent and nearby land uses are preferable. Projects that are located adjacent to land that has been developed or approved for development shall be scored as follows:

- a. > 0 -- 20% Adjacent to existing development, **one point**
- b. >20 -- 40% Adjacent to existing development, **two points**
- c. >40 -- 60% Adjacent to existing development, **three points**
- d. >60 -- 80% Adjacent to existing development, **four points**
- e. >80 -- 100% Adjacent to existing development, **five points**

Adjacent development is defined as contiguous property located within MH's city limits, urban service area, or urban growth boundary (UGB) and which is developed to its ultimate potential according to the city's General Plan or zoning of the property, or at least substantially developed according to the General Plan or zoning. To be considered substantially developed, at least ninety-five percent of the contiguous land area must be committed or developed to its ultimate use. Contiguous property does not include streets, railroad rights-of-way, or parcels held in fee title by a public utility or public agency containing above or below ground utilities such as gas pipelines, electric power transmission lines, or major water distribution pipelines.

County lands dedicated as a public facility or encumbered with an open space easement, or contiguous property within MH's UGB committed to an ultimate land use such as a city park, developed school site, or private open space will also be considered as adjacent development. Open space lands which are owned in private must have a public open space easement recorded over the

corresponding area. For scoring purposes, undeveloped property which by December 1st of the fiscal year the competition is held has received either final map approval, or development agreement approval for projects with previously completed phase(s), or for which building permits have been issued, shall be considered to be developed property. The perimeter established for the complete (master-planned) project will be used to determine adjacency for every RDCS submittal. Where previously allocated phases of the same project have been developed or have received final map approval and are immediately adjacent to an otherwise undeveloped external boundary, that portion of the project's perimeter shall then be considered provided the project is making satisfactory progress according to the approved development schedule (project is not in default).

The percentage of a property that is adjacent to development shall be that percentage of the combined length of the subject property lines which is determined to be contiguous to adjacent development as defined in this subsection. The subject property is defined as a single parcel or contiguous parcels of record on which the proposed project would be located and shall include that portion of the subject property designated for future development. A designated remainder parcel shall not be considered a portion of the subject property except where development on all or a portion of the remainder parcel is proposed as part of the current project application.

4. A proposed development which is a subsequent phase of a previously approved project that has been awarded allotments provides for the continuous extension of existing development. A proposed development which is a subsequent or final phase of a previously allocated development and consists of 30 dwelling units or less shall be awarded two points. **(two points)**

NOTE: To qualify for any points under paragraph B4, the proposed development at total build-out, shall not exceed the number of units proposed in the original Development Application from which the project had been awarded an initial building allotment, unless approved by the Planning Commission prior to the competition's application submission deadline. The number of units requested for each subsequent fiscal year shall be no more than 25% above any single highest year allotment for the proposed project to a maximum of 30 units. The 25% or 30-unit limit includes any units already allocated to the project in that fiscal year as a result of a prior fiscal year competition. Earlier phases of development must also be in compliance with the development schedule approved for the project.

5. Project Master Plan design is above average in terms of addressing internal street circulation and access requirements, appropriate transition of lot size and density within the development and with surrounding developments, and aggregation and use of common open space areas. **(minus one point, zero or one point)**

NOTE: Project Master Plan determined to be only satisfactory with respect to the above items will be awarded zero points. Project Master Plan determined to be of a poor design will receive

minus one point under this criterion. A project will be awarded one point if no significant design flaws can be found, and the design gives strong consideration to the issues of circulation, access, density transitions, and the use of common open space. If a project master plan has two or more significant design flaws, it will be considered below average and one point will be taken away. A design flaw would be something that, at the subdivision stage, staff would ask to be modified or not recommend for Planning Commission approval. Significant design flaws would basically require the redesign of the master plan. For scoring purposes, that portion of an ongoing project awarded a building allotment prior to October 1, 1999, shall not be considered within the Project Master Plan design, except where the inclusion of the earlier allocated phase(s) would result in a higher overall score. (Ord. 1517 N.S. § 4, 2001; Ord. 1486 N.S. §§ 5 & 6, 2000; Ord. 1438 N.S. §§ 2 & 3, 1999; Ord. 1404 N.S. § 5, 1998; Ord. 1346 N.S. §§ 3 & 4, 1997; Ord. 1228 N.S. § 4, 1995; Ord. 1179 N. S. § 8, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.240 Public facilities.

A. Point Range and Policies.

9	--	10	High quality
7	--	8	Above average
5	--	6	Average
3	--	4	Below average
0	--	2	Poor quality

1. "The provision of needed public facilities such as critical linkages in the major street system, or other vital public facilities
..... **(10 points)**"

2. The public facilities which serve the Morgan Hill area can benefit by discriminate development which improves the existing systems. Many areas exist where improvements to the systems are needed. A proposed project should help alleviate the problem rather than aggravate it.

B. Standards and Criteria. (Maximum ten points)

1. A micro project will receive **(three points)** if it meets all standard requirements for design and construction of public facilities.

2. Installs public facilities of sufficient size to service the proposed development and future developments without the need to install supplemental facilities.

a. Grids water mains into the existing water system. **(two points)**

b. Drainage concept is consistent with the City's storm drain system. (e.g., the city's storm drain master plan, local area storm drain system). **(one point)**

c. Storm drain lines that are to be maintained by the city will be constructed entirely within the paved area of the street (curb to curb), or in a location acceptable to the Director of Public Works. **(one point)**

d. Storm drainage from the development is accommodated without the need for an on-site detention pond or open space retention areas, unless the on-site detention facility is appropriately located and sized so as to serve or coordinate with future area-wide or adjacent development.**(up to two points)**

Note 1. Applicants providing an oversized pond must supply information specifying how the pond sizing will address the area need and how other projects will be connected to the detention pond. The extra capacity provided must be stated in terms of the land area it can serve in acres and cubic feet.

Note 2. Applicants who use a regional detention facility, a detention pond from another development, or a Santa Clara Valley Water District facility must supply an authorization/approval letter with their application.

e. Applicant will contribute one thousand dollars per unit to the off-site storm drain improvement fund in addition to payment of standard fees. YES __, or NO __ (Contingent commitments will not receive points) **(one point)**

f. Provides public facility improvements on or adjacent to the project in excess of standard requirements, e.g., sewer, traffic control. **(maximum four points)**

Note: Under this criteria, the applicant needs to explain how and why the offered public improvements exceeds the city standards. The points awarded will be based on the extent in which the improvements exceeds the standard requirements relative to other projects in the competition. Emphasis will be placed on improvements on or adjacent to the project but consideration will also be given to projects that provide improvements within one mile beyond their project boundaries. **(one - four points)**

g. Applicant will contribute one thousand dollars per unit to the capital improvements programs fund. YES __, or NO __ (Contingent commitments will not receive points) **(one point)**

Note: Proposed developments must be assigned a minimum passing score of five points under this category in order to qualify for building allotments.

Scoring for a multi year/phased developments includes recognition all public facility improvements committed to be installed in the initial or previous phases of development (project completed to date vis-a-vis improvements completed to date) . The initial or previous phase of development must also be in compliance with the development schedule approved for the project. (Ord. 1517 N.S. § 5, 2001; Ord. 1438 N.S. § 4, 1999; Ord. 1346 N.S. § 5, 1997; Ord. 1228 N.S. § 5, 1995; Ord. 1179 N.S. § 9, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1049 N.S. § 1, 1991; Ord. 1034 N.S. § 1 (part), 1991)

18.78.250 Parks and paths.

A. Point Range and Policies.

9	--	10	High quality
7	--	8	Above average
5	--	6	Average
3	--	4	Below average
0	--	2	Poor quality

1. "Provision of parks, foot or bicycle paths, equestrian trails or pathways.

..... **(10 points)"**

2. The Morgan Hill area has many natural amenities that should be made accessible to its residents. Access should be made readily available by using a variety of methods, including foot and bicycle paths, and equestrian trails. By providing the opportunities to experience the areas natural amenities, a healthier attitude towards caring for and preserving the environment will be encouraged.

B. Standards and Criteria.

1. In lieu of dedicating land, projects of 24 units or less which are not providing parks can pay a fee to the city equal to the value of the land prescribed for dedication. The amount of park land dedication or in lieu fee must be consistent with the requirements contained in Chapter 17.28 of this code. For the land dedication to apply, the property must be deeded to the City for public park purposes. Not applicable to passive open space or landscape buffer areas deeded to a homeowners association. **(four points** for projects of 24 units or less which are **not** providing parks)

2. Provides privately owned and maintained on-site recreational amenities which are of greater value and utility from the following list. Projects of 15-24 units may select from any category of amenities to count toward the score. Projects of 25-49 units will receive credit for a maximum of one amenity from the one point category list. To achieve maximum points, projects of 25-49 units must select additional amenities from either the two, three, or four point amenity categories. Projects of 50 units or more will only receive credit for amenities provided from the two point or higher point category lists.**(up to four points)**

Site Recreation Amenities

<p><u>One point amenities:</u></p> <p>Shuffleboard Horseshoes Bowling green Open space turf areas Cabana or Shade trellis area Tree Grove Passive water feature (e.g. fountain) Picnic/barbeque area</p>	<p><u>Three point amenities:</u></p> <p>Softball Field Sports Court Restroom area ½ scale Soccer Field Tot lots (age appropriate play equipment/minimum 3 activities) Basketball Court (2 hoops) Child wading pool</p>
<p><u>Two point amenities:</u></p> <p>Volleyball court Outdoor racquetball/handball tilt-up wall Water feature (pond, creek area) Sauna Community garden plots with water service ½ court basketball (one hoop) Passive recreation area and/or gardens Bridle paths Putting Green</p>	<p><u>Four point amenities:</u></p> <p>Child Care Facility Swimming Pool Tennis Court Recreation Hall Exercise Room Indoor racquet sports court Par 3 course and/or pitch and putt golf course</p>

Points will also be awarded for any proposed amenity found by the Planning Commission to provide recreation or meet the needs of the project residents to a level similar to provided by the above. Point values in the above chart are based on a 50 unit project. For projects of 51 to 100 units, divide the above values by two. For projects of 101 - 150, divide the above point values by three, etc.

3. Provides Class I bicycle pathways or equestrian trails along the project frontage in accordance with the overall community-wide and/or county-wide bicycle master plans. In areas where a Class I bike path is not required, the project provides necessary street improvements and striping for Class II bike lanes. The project must provide at least one quarter mile of Class II bike lane improvements for each 10 dwelling units within the project. **(one point)**

4. Proposed project will contribute toward the creation of a neighborhood park by providing a coordinated development plan which locates on-site parks and other permanent open space areas so as to allow expansion of these areas into adjoining future developments. A conceptual plan showing how the future park expansion may be implemented must be included in the project application. The conceptual plan shall identify the park area, list the number of amenities and show the layout of the amenities in the proposed park. Where necessary or appropriate, the plan should

also allow these areas to be jointly utilized for storm water detention serving the proposed project and future area-wide development. **(two points)**

5. a. Applicant will pay double the required in lieu park fees **(three points)** or
b. Applicant (projects of 24 units or less who do not provide a park) will pay triple the required in lieu park fees **(six points)**

6. Public or private parks provided by the project exceed the dedicated land requirements stated in Chapter 17.28 of the Morgan Hill Municipal Code. **(one point** if exceed the requirement by 20%, **two points** if exceed by 30%, or **three points** if exceed by 40%)

NOTE: The number of recreational amenities required pursuant to Section 18.18.060 shall be based on the total number of dwelling units within the project, including secondary dwelling units as defined in Section 18.04.164 of this title.

Scoring for a multi year/phased developments includes recognition all recreational amenities provided in the initial or previous phases of development (amenities provided to date vis-a-vis project completed to date). The initial phase of development must also be in compliance with the development schedule approved for the project. (Ord. 1517 N.S. §§ 6, 7 & 8, 2001; Ord. 1486 N.S. §§ 7 & 8, 2000; Ord. 1438 N.S. §§ 5 & 6, 1999; Ord 1404 N.S. § 6, 1998; Ord. 1346 N.S. § 6, 1997; Ord. 1228 N.S. § 6, 1995; Ord. 1179 N.S. § 10, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.260 Housing needs

A. Point Range and Policies.

13	--	15	High quality
10	--	12	Above average
7	--	9	Average
4	--	6	Below average
0	--	3	Poor quality

1. "Provision of units to meet the city's need for low and moderate income and elderly housing and the extent to which such provision meets the goals of the housing element of the general plan, including the distribution of housing types to provide neighborhoods of ethnic and economic diversity.

..... **(15 points)"**

2. The city has an obligation to provide adequate housing for all segments of the population in a variety of lot sizes and dwelling types. It must do this in a fashion which creates diversified neighborhood environments and income groups, avoiding concentrations of any single income group in one particular residential neighborhood. A neighborhood mix of ethnic and economic diversity, as required by the housing element of the general plan will therefore be encouraged.

B. Standards and Criteria.

1. Provides affordable housing units for households ranging from very low to median income. Most units sold or rented at below market rates will receive increased density;

2. Over and above the BMR units committed in this section, provides an additional 10% detached units in an R-2 project or an additional 10% attached units in an R-1 project. **(Two points)**

3. The project will receive an average score **(eight points)** if it chooses to pay the standard housing mitigation fee computed at ten percent of the total project.

Projects are also eligible to receive points in this category based on the percent and level of affordability of below market rate units built within the project. When in the process of determining the number of below market rate units required, there occurs a fraction of a unit, any fraction less than .5 shall be paid as a corresponding fraction or percentage of the per unit cost of the standard housing mitigation fee. In phased developments, developer may carry the fractional share forward into succeeding phases until the fraction reaches .5 or higher. Any fraction of .5 or greater shall be deemed a requirement for one additional below market rate unit. The developer however, may continue to carry the partial credit forward into the next phase(s) of the overall development. Refer to the following charts to compute points.

4. Affordable Units For Sale:

P o l i c y	10% or Greater BMR Commitment		5% BMR Commitment		Allowable Density Bonus
	Percentage of BMR units	Percentage of BMR units	Percentage of BMR units	Percentage of BMR units	
	LOW	MEDIAN	LOW	MEDIAN	
13	5	10			15%
13	8	4			12%
13	10				10%
9	5	5			7%
5	0	10	5	0	4%
3			0	5	1%
8	Pay mitigation fee				0
0	No mitigation				

Affordable Units For Rent:

P o i n t s	10% BMR Commitment		5% BMR Commitment		Allowable Density Bonus
	Percentage of BMR units	Percentage of BMR units	Percentage of BMR units	Percentage of BMR units	
	VERY LOW	LOW	VERY LOW	LOW	
15	10	0			10%
11	5	5			7%
7	0	10	5	0	4%
3			0	5	1%
8	Pay mitigation fee				0
0	No mitigation				

5. A project may also be awarded 15 points if at least 10 percent of the dwellings are affordable at below market rates and the BMR units are constructed in a joint venture with a non profit builder. The following criteria shall apply to the joint venture development:

a. A letter of intent signed by both parties must be included with the Measure P application.

b. The homes are to be built by the nonprofit agency through a self help building program or other applicable program approved by the City.

c. The project must provide an area for a minimum of 8 BMR units as part of the joint venture agreement. If 10 percent of the project is less than 8 dwelling units, allocations above 10 percent of the project may be drawn from the affordable allotment set-aside if available, to achieve the 8 unit minimum.

d. The price range and target income of the buyers shall determined and approved by the City and non profit agency prior to the Measure P application.

e. The site and architectural plans for the affordable units shall be shown on the plans and shall be considered part of the market rate application.

6. A Micro, Small, or any project having all lots in excess of 20,000 square feet, will receive **seven points** if it chooses to pay double the standard housing mitigation fee computed at ten percent of the total project.

NOTE: If the applicant and non profit agency are unable to obtain the necessary funding, allotments, or encounter other obstacles and are unable to produce the affordable housing through the joint venture agreement; then the applicant will be required to choose one of the other options to achieve the 15 points in this category. Any unused affordable building allotment transfer shall be returned to the affordable allotment set-aside category. (Ord. 1517 N.S. §§ 9 & 10, 2001; Ord. N.S. 1486 § 9, 2000; Ord. 1438 N.S. § 7, 1999; Ord. 1404 N.S. § 7, 1998; Ord. 1346 N.S. §§ 7 & 8, 1997; Ord. 1323 N.S. § 38, 1997; Ord. 1228 N.S. § 7, 1995; Ord. 1179 N.S. § 11, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.270 Housing types.

A. Point Range and Policies.

13	-	15	High quality
10	-	12	Above average
7	-	9	Average
4	-	6	Below average
0	-	3	Poor quality

1. "The extent to which the proposed development itself consists of a diversity of housing types to meet the goals of the housing element of the general plan.

..... **(15 points)"**

2. In order to develop residential neighborhoods which have a mix of housing types, new residential construction should consider the existing composition of the neighborhood and plan its housing design accordingly.

B. Standards and Criteria

1. Provides for a diversity of housing types:

a. Utilizes a mix of the various housing categories to provide housing diversity as follows by housing type* (a maximum of **seven points, two points** per housing type, excepting the 15% single story housing type which is worth **three points**).

Note. Rental projects will receive **seven points**. Owner occupied single-family attached and multi-family R2 and R3 zoned projects will receive **five points** for one housing type, and **seven points** for two or more housing types.

* Housing Types are defined as follows:

- Single-family detached
- Single-family attached (includes one and two unit condominium buildings).
- Multi-family rental or stacked condominiums or condominium units in buildings containing three or more units.
- Custom lots
- Mobile homes
- Secondary dwelling units
- Single story dwelling units (must represent at least 15% of the total dwelling units)

For the above determination, the number of units for a particular housing type when divided by the total number of units in the project, must represent at least ten percent of the total number of housing units in the development (fifteen percent for single story units). The ten percent requirement would be in addition to any housing type used for below market rate (BMR) units.

Note: The percentage requirements stated above are absolute figures. Rounding to the nearest whole number is not permitted.

2. Provides for an economic diversity within the project. The proposed project would augment the existing housing stock by providing housing which would be affordable under the income categories described below. A maximum of **four points** may be awarded to projects which reserve a portion of the total units (see table below) as affordable to very low income households within 100 percent rental projects or low income (ownership units) in other projects.

Note. A Micro, Small, or any project where all lots are in excess of 20,000 square feet, will receive **two points** if it chooses to pay the standard housing mitigation fee computed at ten percent of the total project, or **four points** if it chooses to pay double the housing mitigation fee.

For Sale Projects

	10% or greater BMR Commitment		5% BMR Commitment	
	Provides for 10%+ affordable units	Provides for 10%+ affordable units	Provides for 5% affordable units	Provides for 5% affordable units
Points	LOW	MEDIAN	LOW	MEDIAN
4	5	10		
4	8	4		
4	10			
3	5	5		
2	0	10	5	0
1			0	5

For Rent Projects

	10% BMR Commitment		5% BMR Commitment	
P o i n t s	Provides for 10% affordable units VERY LOW/LOW	Provides for 10% affordable units LOW	Provides for 5% affordable units VERY LOW/LOW	Provides for 5% affordable units LOW
4	10	0		
3	5	5		
2	0	10	5	0
1			0	5

3. For single family/ownership projects, the proposed project provides for a variation of housing sizes within the project. The proposed project provides at least a fifty percent variation in house size from the smallest to largest floor plan and each house size represents at least ten percent of the total units (**four points**). For purposes of making the above determination, there must be at least three (3) different floor plans and a one hundred twenty square foot difference between the size of each floor plan where the floor plans do not exceed 1,500 square feet (less than one hundred twenty square feet difference will be aggregated as one floor plan). Where the floor plans exceed 1,500 square feet, there must be a two hundred square foot difference between the size of each floor plan (less than two hundred square feet difference will be aggregated as one floor plan).

For multi-family projects, the variation will be based on number of bedrooms. A project which provides one bedroom units only, will receive **one point**. A project which provides a mix of one and two bedroom units or two bedroom units only, will receive **two points**. A project which provides dwelling units with a mix of one, two and three bedroom units or dwelling units with three or more bedrooms only within the development, will receive **four points**. Each bedroom category must represent at least ten percent of the total units.

Note: BMR units may not be used when determining housing size variations.
(Ord. 1517 N.S. §§ 11 & 12, 2001; Ord. 1486 N.S. § 10, 2000; Ord. 1438 N.S. §§ 8 & 9, 1999; Ord. 1404 N.S. § 8, 1998; Ord. 1346 N.S. §§ 9, 10 & 11, 1997; Ord. 1228 N.S. § 8, 1995; Ord. 1179 N.S. §§ 12 & 13, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.280 Quality of construction standards.

A. Point Range and Policies.

13	--	15	High quality
10	--	12	Above average
7	--	9	Average
4	--	6	Below average
0	--	3	Poor quality

1. "Architectural design quality as indicated by the quality of construction and by the architectural elevations of the proposed buildings, judged in terms of architectural style, size, and height.

..... **(15 points)"**

2. The proposed project should create buildings that are responsive to the needs of its users and the environment, while also accomplishing it in an appealing and attractive manner. The overall project design should be compatible and harmonious with existing adjacent residential neighborhoods and land uses, while still maintaining its own special character.

B. Standards and Criteria.

1. Provides harmonious use of exterior building materials and varying front elevations with low repeat factors. A reverse floor plan does not count as a separate elevation.

- a. Floor plan & elevation repeats 0 - 2.49 times: **two points**
- b. Floor plan & elevation repeats 2.50 - 4.49 times: **one point**
- c. Floor plan & elevation repeats 4.50 - 6.49 times: **zero points**

For single family detached buildings, repeat factor is the total number of building lots divided by: the number of floor plans multiplied by the number of alternate elevations for each plan.

For single-family attached or multi-family buildings, repeat factor is the number of structures divided by the number of different footprints times the number of alternate elevations for each footprint (must have a minimum of two elevations within the project).

2. Uses design and construction that conserve resources:

a. Provides for energy conservation through the use of energy-efficient building techniques, materials, and appliances, such that the buildings consume less energy than allowed by California's Title 24 Building Energy Efficiency Standards, as documented in the energy compliance reports submitted at the time of application for building permits. **(Maximum four points will be assigned under this criteria)**

- i. Uses EPA “Energy Star” labeled windows with low-e coatings and vinyl or metal frames, and includes installation of a high efficiency gas furnace of 90 percent efficiency rating or greater in all dwelling units. Applicant must specify how the 15 percent reduction in energy usage will be achieved. **(two points)**
- ii. Provides two separately zoned high-efficiency heating systems in units over 3000 square feet, and units less than 3000 square feet whose floor plans allow effective dual-zoning. For maximum points, at least 60 percent of the dwelling units in the project must be dual-zoned and all units must include the installation of high efficiency gas furnaces with 90 percent efficiency rating or greater. **(up to two points)**
- iii. Installation of air conditioning units with high efficiency condensing unit with a SEER rating of 12 or higher. Must be installed in more than 60 percent of the dwelling units in the project. **(one point)**
- iv. Installation of a high efficiency gas furnace with an efficiency rating of 90 percent or greater, in all units. Applicable only to projects that do not provide for a reduction in energy usage below Title 24 standards as specified in B3a(i) or the separately zoned heating systems as specified in B3a(ii) above. **(one point)**
- v. Homes include roof mounted solar panels and/pr wind generators for electric power generation. **(up to one point)**
- b. Provides for household water conservation through innovative building techniques that result in reduced water waste, and which exceed current city and state standards. For example, recirculating hot water system with demand pumping, or other water saving plumbing systems or features. Applicant must be specific in describing how the proposed system exceeds code requirements. Note: Not applicable to water conserving landscape irrigation systems such as sprinkler stations, timers or water saving sprinklers, etc. See scoring under Landscaping Category **(up to one point)**
- 3. Uses materials and construction techniques that exceed current building requirements of the Uniform Building Code adopted by the city as follows:
 - a. Installation of cast-iron drainage pipe and piping insulation between floors for sound reduction of plumbing, and installation of future ready wiring concepts such as home running phone lines from all habitable rooms directly to main phone box rather than looping using RJ6 for television/video and CAT5R or equivalent for telephone lines. **(one point)**
 - b. Class A roof covering such as light weight concrete tile, architectural grade composition shingle or better and uses other materials and construction techniques that exceed current requirements, including, but not limited to glued and screwed subfloors, insulation of interior walls for sound, TJI floor joists, and pre-plumb gas lines to dryer along with 220 volt outlet. Not applicable to foundation designs. Applicants must specify how the construction techniques would exceed code requirements **(one point)**

Applicant must be specific in describing how the proposed materials and construction exceed code.

4. Provides architectural variation and differentiation as follows:
 - a. Uses porches, balconies, or multi-unit courtyards on at least 25% of units to promote a neighborhood feel **(two points)**
 - b. Uses at least two different roof lines and two different pitches throughout the project, i.e. gable, hipped, dormers, Mansard, etc. **(one point)**
 - c. Uses architecture and profiles and massing that conforms and works with the existing surrounding neighborhoods. Applicable only where a project adjoins an existing neighborhood on at least one side or twenty-five percent of the project's frontage. **(one point)**
 - d. Provides a consistent level of architectural relief and detailing on all four building elevations. Where two story rear and or side yard building elevations occur, architectural relief shall include some third dimensional design element such as bay windows, balconies, covered porches, decorative trellis, etc. In addition, each standard trim and base color must represent no more than 15% (project size permitting) of the project. **(up to two points)**
5. Proposed project phase(s) are judged by the Planning Commission to be superior with respect to overall project excellence. **(one point)**

(Ord. 1517 N.S. §§ 13 & 14; Ord. 1486 N.S. § 11, 2000; Ord. 1438 N.S. § 10, 1999; Ord. 1404 N.S. § 9, 1998; Ord. 1346 N.S. § 12, 1997; Ord. 1228 N.S. § 9, 1995; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.290 Lot layout and orientation.

A. Point Range and Policies.

13	--	15	High quality
10	--	12	Above average
7	--	9	Average
4	--	6	Below average
0	--	3	Poor quality

1. "Site design quality as indicated by lot layout, orientation of the units on the lots, and similar site design consideration.

..... **(15 points)"**

2. The overall project's site design quality is largely dependent upon the layout of the individual lots. Variations in lot sizes and configurations must take place to accommodate changes in natural terrain and street design, although this is not to be construed as meaning that areas of consistent terrain need not have lot variations. The variations in lot size, shape, and layout would encourage a corresponding variation in house designs and orientations. Site design will incorporate the utilization of the sun and wind to the greatest extent possible for heating and cooling purposes.

B. Standards and Criteria.

1. Provides good site design considerations in all lot layouts.

a. In context of the overall project, avoids excessively deep or narrow lots. The project also must provide side yards at least 20 percent in excess of the minimum required to avoid crowding and to enhance spatial relationships. **(one point)**

b. Provides building separations in apartment or condominium developments that are at least 20 percent in excess of minimum code requirements. **(one point)**

c. Avoids excessive use of sharp angled lots which waste land and constitute poor building sites. **(one point)**

d. Avoids creating lots which require driveways greater than 150 feet in length for access. **(one point)**

e. A sufficient transition in lot sizes, or building sizes in R-3 developments, is proposed in the site plan design to allow compatibility between existing and proposed neighborhoods. **(one point)**

f. Over-all excellence of lot layout. Layouts deemed to be average will receive **zero points**, above average layouts will receive **one point**, and superior layouts will receive **two points**. For scoring purposes, lot layouts requiring two or more design changes at the subdivision approval stage will be rated below average. Lot layouts requiring no more than one design change prior to subdivision approval will be rated average. Layouts requiring no changes for subdivision or site plan approval will be rated superior. This criterion shall not apply to that portion of the project awarded

a building allotment prior to October 1, 1999, except where the inclusion of the earlier allocated phase(s) would result in a higher score.

2. Provides street design which complements lot layout and building orientation
 - a. Locates streets and arranges units to provide access to and views of open space, parks and water ways within or adjacent to the project. To be considered as viewable open space, parks, and water ways, the view area must be of a meaningful length and at least the width of the standard lot size of the project's zoning district. **(one point)**
 - b. Locates streets, design lots, and arranges units to enhance neighborhood security by arranging a minimum of 75 percent of the units so that entrances are visible from the public right of way or private circulation areas. **(one point)**
3. Provides a variety of setbacks which complements the overall site design.
 - a. A minimum five-foot front setback variation is provided between adjoining units for single-family dwellings, and four-foot front setback variation is provided between adjoining buildings for multi-family developments. **(one point)**
 - b. A minimum five-foot rear setback variation for single-family dwellings, and four-foot rear setback variation for multi-family dwellings is provided between adjoining units. **(one point)**
 - c. The proposed project provides at least a four foot variation in standard lot widths (excluding cul-de-sac lots) and each lot width represents at least ten percent of the total lots. For purposes of making the above determination, there must be at least three different standard lot widths and at least a four foot difference in the width of each standard lot. **(one point)**
 - d. Uses garage placement to provide lot variation. At least 25% of units have side-loading, detached, rear garages, or two car garages with tandem parking space to accommodate a third vehicle inside the garage. Note: No more than 50 percent of the garages within a project may be of this type (with tandem parking). Multi-family developments may satisfy this criteria by locating garages, carports, and parking spaces at the side or rear of buildings at locations not visible from the public right-of-way. **(two points)**
4. Uses lot layout and design techniques that reduce noise. Such techniques where appropriate include increased setbacks, significant landscape buffer areas, sound insulation board in the building construction, placement of air conditioning units away from property lines and side yard areas to minimize noise impacts to adjoining dwellings, etc. **(up to two points)**

(Ord. 1517 N.S. §§ 15 & 16, 2001; Ord. 1486 N.S. § 12, 2000; Ord. 1438 N.S. § 11, 1999; Ord 1404 N.S. §§ 10 & 11, 1998; Ord. 1346 N.S. § 13, 1997; Ord. 1228 N.S. § 10, 1995; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.300 Circulation efficiency

A. Point Range and Policies.

13	--	15	High quality
10	--	12	Above average
7	--	9	Average
4	--	6	Below average
0	--	3	Poor quality

1. "Site and architectural design quality as indicated by the arrangement of the site for efficiency of circulation, on-site and off-site traffic safety and privacy.

..... **(15 points)"**

2. An efficient circulation system is one which accommodates various regular transportation modes (walking, biking, private automobile and public transit) in a safe and unified manner. Future residential areas should incorporate design elements whenever possible to make these forms of transportation more convenient and safe for the users.

B. Standards and Criteria.

Note: Project scoring in this section shall be based on the overall project master plan and shall include improvements completed in previous phases of the same development.

1. Provides low-maintenance on-site walkways and on-site bike paths throughout the development to maximize their use and promote safety. This criteria does not apply to city standard sidewalks, or where the provided path is adjacent to city standard sidewalks. **(one point)**

2. Encourages the use of public transportation in residential areas by constructing bus shelters, benches, reinforced street sections or bus pullout areas **and** these improvements are located on an approved or planned Valley Transportation Agency (VTA) transit route and accepted by the VTA for maintenance. A letter from the VTA shall be submitted confirming VTA's acceptance and maintenance of the proposed bus stop. For planned bus routes, the VTA letter shall provide confirmation of the future bus route extension. This criterion may apply to a bus stop constructed in the initial or previous phase that would serve subsequent phases of the same development. The subsequent phase must be located within a quarter mile of the bus stop. **(one point)**

3. Streets, access ways and parking are designed for safe and efficient circulation. **(Maximum nine points will be assigned under this criteria)**

a. Local streets or access-ways interior to the project are designed to discourage fast traffic using curvilinear roads or traffic control devices. **(one point)**

b. Provides for the future extension of streets or drive aisles for proper access or circulation to adjacent properties by providing one or more stubs for the future extension of streets. The future street extension(s) must be consistent with the General Plan or other adopted circulation plans. **(up to two points)**

- c. Interior streets and/or drive aisles are designed to meet all city safety and parking standards and allow for a looping pattern of circulation. **(one point)**
- d. Eliminates existing stub or substandard streets. **(up to two points)**
- e. Avoids short blocks between existing and/or proposed streets. A short block is considered to be less than two hundred sixty feet from centerline to centerline of streets. Within a project, an entry aisle less than two hundred sixty feet from the entry is acceptable. This criteria is not applicable where a driveway and/or drive aisles and curb cuts are used to provide access to the entire project site. **(one point)**
- f. Provides a minimum 20-foot clear view back-out distance between enclosed garage space and drive aisle. **(one point)**
- g. When possible, access to the project is provided from at least two separate streets. If access to separate streets is not possible, there must be a minimum of two hundred feet between access points to the project on the same street. **(one point)**
- h. Provides appropriate landscape islands and entry monuments/gateway features. **(one point)**
- i. Project provides circulation to facilitate emergency response and patrol as determined by the fire chief and police chief. Off-set intersections are avoided. The project shall include specific information to provide for turnarounds and secondary access proposal for phased projects. **(one point)**
- 4. Promotes the privacy of residential neighborhoods.
 - a. Internal project circulation is designed for use primarily by local residents. **(one point)**
 - b. Street layouts are designed to avoid the creation of undesirable situations such as double frontages, utility easements in rear or side yards of private property, or developable land locked property. **(one point)**
- 5. Provides for dedication and improvement of extensions to existing streets outside of the project boundaries. Projects which offer to complete adjacent or nearby off-site public facility improvements which were committed to be installed by another project under a previously approved application will not receive points for the same commitment. **(Maximum of two points)**
 - a. Provides for dedication of extensions to existing streets outside of the project boundaries. **(one point)**
 - b. Provides improvements for dedicated extensions of existing streets outside of the project boundaries. **(one point)**
 - c. Provides dedication and improvement of street extensions for existing streets outside of the project boundaries. **(two points)**

NOTE: For B5 above, emphasis will be placed on improvements for dedicated extensions of existing streets within one mile beyond the project boundaries.

Proposed developments must be assigned a minimum passing score of seven points under this category in order to qualify for building allotments. (Ord. 1517 N.S. § 17, 2001; Ord. 1486 N.S.

§§ 13 & 14, 2000; Ord. 1438 N.S. § 12, 1999; Ord. 1346 N.S. § 14, 1997; Ord. 1228 N.S. § 11, 1995; Ord. 1179 N.S. § 14, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.310 Safety and Security

A. Point Range and Policies.

5			High quality
4			Above average
3			Average
2			Below average
0	--	1	Poor quality

1. "Site and architectural design quality as indicated by the amount of private safety and security provided in the design of the individual structures.

..... **(5 points)"**

2. Residential structures should create the feeling of comfort and peace of mind by using design and materials that increase safety and security. The lighting, glazing, and positioning of non-private or semi-private areas, and access areas must facilitate their natural surveillance by residents and formal authorities.

B. Standards and Criteria.

1. Enhances safety and security by providing at least two items from category I and two items from category II that are not already required according to the Uniform Fire Code:

(one point total)

a. Category I: Fire--Minimum two items. **(½ point)**

i. Provide fire escape ladders for upper floor bedrooms.

ii. Provide one mounted fire extinguisher (rated 2A10BC) for up to the first 1,500 square feet of floor space, plus **one point** for each additional 1,500 square feet of floor space.

iii. Any other fire protection device or construction technique approved by the fire chief.

b. Category II: Police--Minimum two items. **(½ point)**

i. Provide outdoor lighting to meet all police department specifications.

ii. Install illuminated or self luminous address numbers for each unit and painted curb numbers where possible.

iii. Any other intrusion protection device or construction technique approved by the police chief.

2. Use of noncombustible siding materials on at least fifty percent of the units within the project. The noncombustible siding must be used on at least fifty percent on an individual unit. **(one point)**

3. Installation of an intrusion and fire alarm system to be monitored by a central station, or to include auto dialer which meets city ordinance. Intrusion alarms to provide supervision of all doors and windows. Auto dialer and monitoring by a central station features are not required for alarm systems in apartment or condominium developments. **(two points)**

4. Provides residential fire sprinkler system according to NFPA Chapter 13D specifications. **(three points)**
5. Provide automatic earthquake shut-off valves for gas service. **(one point)**

NOTE: Proposed developments must be assigned a minimum passing score of three points under this category in order to qualify for building allotments. (Ord. 1517 N.S. § 18, 2001; Ord. 1486 N.S. § 15, 2000; Ord. 1346 N.S. § 15, 1997; Ord. 1228 N.S. § 12, 1995; Ord. 1179 N.S. § 15, 1994; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1049 N.S. § 2, 1991; Ord. 1034 N.S. § 1 (part), 1991)

18.78.320 Landscaping, screening and color.

A. Point Range and Policies.

9	--	10	High quality
7	--	8	Above average
5	--	6	Average
3	--	4	Below average
0	--	2	Poor quality

1. "Site and architectural design quality as indicated by the amount and character of landscaping and screening and color of buildings.

..... **(10 points)"**

2. All trees, shrubs, ground cover, walls and fences, mounding, landscape furniture, paths, lighting, etc., should be compatible with the topography and other characteristics of the site, the character of adjacent quality landscaping, and the architectural features of adjacent structures. Efficiency in exterior design and landscaping is an important part of the character of a home. A gain can be made in terms of heating and cooling, noise abatement and pest control. The functions of plants should be the basis for their use in environmental design.

B. Standards and Criteria. (Maximum ten points)

(Note. Custom lots and custom lot developments may receive points in pertinent sections below where landscaping will be provided by the lot owner. This requires development agreement commitments being recorded against each such lot, including a statement that landscaping requirements must be in place or bonded prior to receiving City approval for occupancy.)

1. Uses landscaping techniques that enhance the quality of the site.

a. Applicant agrees to provide twenty-four inch box-size trees from a city approved list, with a minimum height of nine feet and a spread of three to four feet. The box-size trees will be provided within the development at a ratio of one box-size tree per ten trees provided with the landscape area to be installed by the developer. The one box size tree per ten trees calculation does not include street trees. **(one point)**

b. Provides sufficient planting around all necessary and appropriate group parking to achieve shading and visual screening as viewed from the public street. **(one point)**

c. Varied front yard landscaping plans are installed by the developer. **(one point)**

d. Deciduous trees will be planted along the south facing side of homes or buildings to conserve energy by giving shade in the summer and maximum solar gain in the winter. **(one point)**

e. All street trees are twenty-four inch box trees from the city approved list. (one tree per lot, two trees per corner lot = **one point**; two trees per lot, three trees per corner lot = **two points**)

2. Landscape planting and irrigation systems are designed to conserve water usage.

a. Drought tolerant grasses are used for lawn areas and no more than twenty-five percent of the landscape area is covered with lawn. The twenty-five percent lawn coverage calculation is exclusive of landscape area within parks. **(one point)**

b. Automatic irrigation systems utilize separate valves and circuits for trees; shrubs and ground covers; and lawn areas. Minimum of three separate valves required. A separate valve shall be provided for the following areas: front lawn, rear lawn, and for trees, shrubs and groundcover (combined) where viable. If trees, shrubs, and groundcover cannot be combined under 1 valve, a separate valve for trees shall be provided, resulting in a minimum of 4 separate valves required. Water conserving irrigation system is also used within the development, i.e., drip irrigation. **(one point)**

c. The landscape to be installed by the developer will include hardscape coverage such as decorative paving, wood decking, decorative stone and similar non-irrigated areas on at least fifteen percent of the landscape area. Pedestrian walkways across circulation aisles are not included in this item. **(one point)**

d. For at least 50% of all plant material, uses water conserving plants contained on the Selected Plant List, Appendix A of the City Water Conservation Landscape Guide. **(one point)**

3. Landscaping is installed on all areas visible from public and private rights-of-way. **(one point)** (Ord. 1517 N.S. § 19, 2001; Ord. 1438 N.S. § 13, 1999; Ord. 1346 N.S. § 16, 1997; Ord. 1304 N.S. § 3, 1996; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

18.78.330 Natural and environmental features.

A. Point Range and Policies.

13	--	15	High quality
10	--	12	Above average
7	--	9	Average
4	--	6	Below average
0	--	3	Poor quality

1. "Site design quality in adapting the development to the setting, including the preservation of vegetation, trees, natural terrain, and other natural and environmental features. **(15 points)**"

2. The proposed development should always adapt itself to the environment rather than vice-versa. The residences and supportive infrastructure shall be designed with nature in mind, by following the natural form of the land, preserving unique natural features and environmentally sensitive areas, arranging building sites around existing trees, and "blending in" the development to the surroundings.

3. A high quality project is one that uses what is available but also improves the total environment for the people who live within and nearby.

B. Standards and Criteria.

1. The proposed development utilizes environmental preservation techniques.

a. Foundation types are designed to minimize grading of the site. Minimal grading is considered a fill or excavation of less than three feet in depth. **(three points)**

b. Restricts the amount of runoff caused by impervious surfaces and the covering of land area suitable for percolation where applicable. **(one point)**

c. Road alignment follows and maintains the existing ground elevation to the greatest extent possible. For example, a change in ground elevation where it is not required. **(one point)**

d. Each building site is located considering the folds of the terrain, preserves trees (the number of trees preserved must be proportional to project size and the number of existing trees) and/or rock outcroppings where applicable, but also allows enough flexibility in the final location of the final house design to fit the house to individual trees and detailed grade characteristics. Scoring will be as follows:

i. Project does NOT preserve trees or locate sites as outlined. **(minus one point)**

ii. Project has no such trees or terrain to preserve. **(zero points)**

iii. Project has trees and/or terrain and DOES preserve them. **(up to two points)**

e. Considers, preserves or improves natural conditions on or adjacent to the site such as wildlife habitats, streams, creeks (Llagas, Little Llagas, Fisher, and Coyote creeks) when appropriate and preserves riparian habitats in a natural state. Scoring will be as follows:

- i. Project has such a site and does NOT preserve/improve it. (**minus one point**)
- ii. Project has no such site. (**zero points**)
- iii. Project has such a site and preserves and improves the natural conditions. (**up**

to two points)

(Note: Only improvements made to an on-site area qualify for maximum points.)

- 2. The proposed development creates an environment that enhances the quality of life for the people who live in the development and the local neighborhood.
 - a. Uses design and layout techniques that give individuals maximum privacy within and outside the homes. Such techniques include the off set of windows between units, alternating outdoor patio areas and entrance and consideration of fence height in relation to grade changes. (**two points**)
 - b. Uses various site development practices to protect existing open space, hillsides and agricultural land with maximum points awarded for the protection of areas external to the project. (**up to two points**)
 - c. Arranges buildings, access-ways and locates parking areas and open space to minimize the use of sound walls next to the freeway, arterial or collector streets. (**two points**)
- 3. Project reduces construction waste sent to landfill sites by agreeing to implement at least two of the following recycling methods during construction: (**one point**)
 - i. Dry wall is source separated and recycled;
 - ii. wood waste is source separated for recycling or composting;
 - iii. cardboard containers and boxes are source separated and recycled.

(Ord. 1517 N.S. § 20, 2001; Ord. 1438 N.S. § 14, 1999; Ord. 1404 N.S. § 12, 1998; Ord. 1346 N.S. §§ 17 & 18, 1997; Ord. 1228 N.S. § 13, 1995; Ord. 1124 N.S. § 1 (part), 1993; Ord. 1034 N.S. § 1 (part), 1991)

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(Revised August 23, 2000)

Article III. Procedures for Micro Project Competition

18.78.340 Eligible projects.

An eligible project is any type of residential development consisting of a maximum of five dwelling units. A project must also be located on a site which represents the ultimate or finite development potential of the property. In order to be considered as ultimate development, no further subdivision and/or residential development of the property would be possible pursuant to the general plan and this title. The only exception to this limitation would be the construction of a secondary dwelling unit on a single-family lot. (Ord. 1397 N.S. § 1, 1998; Ord. 1323 N.S. § 39, 1997; Ord. 1228 N.S. § 14, 1995; Ord. 1034 § 1 (part), 1991)

18.78.350 Filing periods.

Applications for development allotment evaluations shall be filed with the community development department on February 1st each calendar year. (Ord. 1391 N.S. § 1, 1998; Ord. 1228 N.S. § 15, 1995; Ord. 1034 § 1 (part), 1991)

18.78.360 Planning officers' review.

The planning officer shall review each application to determine whether or not the proposed development conforms to the city's general plan, Title 17 and this title's requirements. If the planning officer determines that a proposed development does not conform to the general plan, Title 17 and this title, the application shall be rejected. If the application is rejected, an applicant may appeal the planning officer's determination in the manner prescribed in Section 18.78.100(B) of this chapter. (Ord. 1034 § 1 (part), 1991)

18.78.370 Evaluation--Standards and criteria.

A. Projects will be evaluated according to the standards and criteria contained in Sections 18.78.200 through 18.78.330 of this chapter.

B. In order to be eligible for building allotments, a project must receive at least nine points in Part 1 and one hundred twenty-five points in Part 2 of the allotment evaluation. Those that fail to receive a minimum passing score will have the opportunity to improve their designs and reapply during the next competition.

C. To provide a more streamlined process, each micro project application shall be evaluated by the planning officer. The Part 1 criteria shall be applied in the manner consistent with the provisions contained in Section 18.78.200 of this chapter. However, under Part 2 of the evaluation, each micro project shall be assigned the following minimum scores:

Category	Minimum Score
Schools	17
Open space	12
Orderly and contiguous	2
Public facilities	5
Parks and paths	5
Housing needs	8
Housing types	12
Quality of construction	8
Lot layout and orientation	9
Circulation efficiency	8
Safety and security	3
Landscaping	7
Natural and environmental	8
Total	104

D. The planning officer shall examine each proposed development and shall rate each development by the assignment of no more than the maximum number of points allowable on each of the following categories: schools, open space, orderly and contiguous, public facilities, parks and paths, housing needs, quality of construction and safety and security. The difference between the minimum score provided above, and the maximum score assigned in each of the aforementioned categories, shall determine a project's rating and eligibility for building allotments. In the event that two or more projects receive an equal number of points, the planning officer shall evaluate each project according to the remaining categories.

E. The planning commission shall review the planning officer's evaluation when the number of residential units in proposed developments exceeds the number of allotments authorized for the competition. (Ord. 1304 N.S. § 4, 1996; Ord. 1034 N.S. § 1 (part), 1991)

18.78.380 Award of allotments.

A. Proposed developments which have received a minimum of one hundred twenty-five points under Section 18.78.120 may be awarded an allotment for the following fiscal year. Where the number of residential units in proposed developments which have received the required number of points for a development allotment evaluation exceed the numerical limits established by the city council, the available allotments shall be awarded by the planning commission on the basis of the number of points received in Section 18.78.120 starting with the proposed developments receiving the most evaluation points and proceeding in order down the list until the numerical limit established by the council has been reached. Where allotments are made on the basis of a comparative standing on the list, any applicant who has received the required minimum number of points, but who is not high enough on the list to receive a development allotment, may appeal the matter of allotment evaluation to the city council.

B. Where the number of residential units in proposed developments which have received the required number of points for a development allotment evaluation are less than the numerical limits established by the city council, the available allotments shall be awarded by the planning officer in order of applications received. An open filing period shall then be established and any unused allotments shall be awarded to projects in order of applications received, provided the new projects have received the required minimum score of nine points under Part 1 and one hundred twenty-five points under Part 2 in separate evaluations. (Ord. 1391 N.S. § 2; Ord. 1228 N.S. § 16, 1995; Ord. 1034 N.S. § 1 (part), 1991)

18.78.390 Distribution of allotments.

The total allotments shall be distributed on the basis of points received and without regard to any particular geographical distribution. However, the total number of allotments established by the city council for a given competition shall be subtracted from the one-third of the total allotments which may be distributed without regard to the east/west distribution as provided in Section 18.78.030(C) of this chapter. Based on the results of the RDCS competition for larger project developments, the total number of allotments in the micro projects competition may be subtracted from the one-third of the total allotments east of Monterey Road and the one-third of the total allotments west of Monterey Road. A final determination on the distribution of allotments shall be

approved by the city council prior to the February competition. (Ord. 1228 N.S. § 17, 1995; Ord. 1034 N.S. § 1 (part), 1991)

18.78.400 Appeal procedure.

A. An applicant may appeal the planning officer's evaluation to the planning commission, or the planning commission's evaluation to the city council by filing a written notice of appeal with the community development department within ten days after the notice of evaluation has been mailed.

B. In the event an appeal of the planning officer's evaluation is filed, the planning officer shall place the matter on the next available agenda for a regular planning commission meeting. The planning commission shall consider the appeal at such regular meeting at which time the commission will hear the applicant or his representative and such other persons as may be able to assist the commission in the determination of the matter on appeal. The commission may affirm or modify the allotment evaluation. The planning commission's evaluation may be appealed to the city council in the manner prescribed under Section 18.78.130 of this chapter. (Ord. 1034 N.S. § 1 (part), 1991)

18.78.410 Development allotment application.

A. An application for a development allotment shall be made to the community development department on a form provided by the city. Such application shall contain the following information and be accompanied by the documents:

1. Uniform Application.
 - a. Five sets of submittal plans,
 - b. Current title report,
 - c. Filing fees;
2. Site Development and Landscape Plans.
 - a. Scale, engineering scale not to exceed one inch equals forty feet on 24" x 36" sheet. Also provide a reduced size copy on 11" x 17" size sheet attached to the project narrative,
 - b. Small inset vicinity map to show the relationship of the proposed development to adjacent development, the surrounding area and the city,
 - c. A plan showing general lot layout, general lot sizes, typical lot dimensions, general notes and information; show storm drainage routes and lines, and areas for storm water retention,
 - d. Include street alignments showing coordination with city streets and proposed rights-of-way; the plan should also show proposed public works improvements,
 - e. Show proposed planting areas, park areas, and any other proposed uses,

- f. Include the name, address and telephone number of the applicant, architect and/or engineer; also a graphic scale and north arrow;
- 3. Preliminary Architectural Plans.
 - a. Scale: architectural drawings should be included at 11" x 17" size sheet(s) attached to project narrative,
 - b. Provide front elevations and range of possible square footage for all models within the project,
 - c. Indicate on the plans the type of housing provided, i.e., multifamily, BMR, senior, single-family, etc.,
 - d. Provide illustrative building elevations showing all sides of one typical model and front elevations of other buildings within the proposed development;
- 4. Project Narrative Questionnaire: submit three copies of the completed project narrative questionnaire;
- 5. Plan Preparation Guidelines.
 - a. All plans shall be drawn on uniform sheets no greater than twenty-four inches by thirty-six inches, or as approved by the community development director prior to submittal,
 - b. All plans shall be stapled together along the left margin,
 - c. All plans shall be folded into one-eighth sections or folded in such a manner that the size does not exceed nine inches by twelve inches,
 - d. All plans shall be clear, legible and accurately scaled.
- B. Each application shall be accompanied by a reasonable fee set by the city council as prescribed in Section 18.78.090(B) of this chapter. (Ord. 1391 N.S. § 3, 1998; Ord. 1034 N.S. § 1 (part), 1991)